228 i 13

THE

TRIAL

OF

WILLIAM STONE,

FOR

High Treason,

AT THE

BAR OF THE COURT OF KING'S BENCH,

ON

Thurſday the Twenty-eighth, and Friday the Twenty-ninth of January, 1796.

TAKEN IN SHORT-HAND,

By JOSEPH GURNEY.

LONDON:

SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN-HILL.

1796.

[*Entered at Stationers Hall.*]

G.R. III.
BRITISH MUSEUM

THE

TRIAL

OF

WILLIAM STONE

FOR

HIGH TREASON.

COURT OF KING'S BENCH.

Thurſday, January the 28th, 1796.

PRESENT,

Lord KENYON, Chief Juſtice;
Mr. Juſtice ASHHURST;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE.

Counſel for the Crown.

Mr. ATTORNEY GENERAL,
Mr. SOLICITOR GENERAL,
Mr. LAW,
Mr. GARROW,
Mr. WOOD.

Solicitor.

JOSEPH WHITE, Eſq; Solicitor for the affairs of his Majeſty's Treaſury.

Counſel aſſigned for the Priſoner.

Mr. Serjeant ADAIR,
The Hon. THOMAS ERSKINE.

Aſſiſtant Counſel.

Mr. GIBBS,
Mr. ADAM,
Mr. HOLROYD,
Mr. C. F. WARD.

Solicitor.

Mr. RICHARD WILSON, Bartlett's Buildings, Holborn.

The Court being opened, and William Stone ſet to the bar, the Jurors returned by the Sheriff were called over.

Rice Davis, Eſq. challenged by the priſoner.
Henry Delamaine, Eſq. not a freeholder.
John Leader, Gent. ſworn.
William Atkinſon, Eſq. not a freeholder.
Lucas Birch, Eſq. not a freeholder.
Adam Aſkew, Eſq. challenged by the priſoner.
James Crompton, Paper-hanging Maker, challenged by the crown.
Samuel Etheridge, Gent. excuſed on account of age.
John Mayhew, Eſq. ſworn.
Charles Cole, Eſq. challenged by the priſoner.
Thomas Adderley, Eſq. challenged by the crown.
Chriſtopher Arden, Gent. excuſed on account of deafneſs.
Stephen Williams, Eſq. not a freeholder.
Thomas Williams, Eſq.
Mr. Williams. I have been acquainted with Mr. Stone near twenty years; a great part of that time I have been very intimate with him; and therefore hope I ſhall be excuſed.—Challenged by the crown.
Timothy Curtis, Eſq. excuſed on account of illneſs.
Richard Jupp, Eſq. not a freeholder.
Ralph Nicholſon, Eſq. not a freeholder.
John Hetherington, Eſq. ſworn.
Thomas Cole, Eſq. ſworn.
William Pardoe Allett, Eſq. not properly deſcribed in the pannel.
John Crutchfield, Eſq. not a freeholder.
George Shakeſpear, Eſq. excuſed on account of age.
Joſeph Hankey, Eſq. not a freeholder.
Edward Ironſide, Eſq. not a freeholder.
John Freeman, Eſq. not a freeholder.
John Peter Blaquiere, Eſq. challenged by the priſoner.
John Winter Oſwin, Oilman, not a freeholder.
George Nairne, Stockbroker, not a freeholder.

Henry Wright, Gent. challenged by the priſoner.

Jeremiah Blackman, Timber Merchant, excuſed on account of deafneſs.

Thomas Bromley, Eſq.

Mr. Bromley. I was upon the Grand Jury that found the bill, and therefore am not eligible.

Samuel Bonham, Eſq. challenged by the priſoner.

Sampſon Bowles, Eſq. not a freeholder.

Mr. Attorney General. It happens, I can't tell how, that a great part of the Jurors have not the qualification that the law requires.

Lord Kenyon. I am very ſorry that the freeholders book is made up in ſuch a manner.—The writ requires the Sheriff to return freeholders; and how he is to excuſe himſelf for not returning freeholders I don't know.

Charles Minier, Seedſman, ſworn.

Richard Gough, Eſq. challenged by the priſoner.

Charles Brett, Eſq. excuſed on account of age.

Daniel Dyſon, Farmer, ſworn.

George Abel, Gent. not a freeholder.

George Nightingale, Eſq. not a freeholder.

Samuel Edwards, Wine Merchant, challenged by the priſoner.

Samuel Rankin, Eſq. challenged by the priſoner.

Thomas Burnett, Eſq. ſworn.

David Dean, Eſq. challenged by the priſoner.

William Sumner, Silverſmith, ſworn.

John Lorkin, Oilman, ſworn.

Richard Threſher, Hoſier, not a freeholder.

John Boon, Butcher, challenged by the crown.

John Briſcoe, Eſq. not a freeholder.

John Baker, Eſq. challenged by the priſoner.

Philip Firmin, Button Maker, not a freeholder.

John Bond, Eſq. challenged by the priſoner.

George Briſtow, Eſq. challenged by the priſoner.

John Graham, Bricklayer, challenged by the priſoner.

Peter Taylor, Blockmaker, ſworn.

Thomas Gildart, Eſq. challenged by the priſoner.

Richard Twining, Eſq. challenged by the priſoner.
William Weſt, Brewer, ſworn.
George Ward, Eſq. not a freeholder.
Samuel Ireland, Merchant, not a freeholder.
Joſeph Sales, Eſq. not a freeholder.
Thomas Day, Eſq. challenged by the priſoner.
Gideon Combrune, Eſq. challenged by the priſoner.
William Tatnell, Eſq. not a freeholder to the value of 10*l.* a year.
John Hall, Eſq. excuſed on account of illneſs.
George Fillingham, Hop Factor, challenged by the priſoner.
Richard Thomas, Silverſmith, not a freeholder.
William Colman, Eſq. challenged by the priſoner.
Thomas Everett, Eſq. not a freeholder.
Andrew Reid, Eſq. challenged by the priſoner.
Iſaac Dimſdale, Coach Maſter, ſworn.

THE JURY.

John Leader,	Thomas Burnett,
John Mayhew,	William Sumner,
John Hetherington,	John Lorkin,
Thomas Cole,	Peter Taylor,
Charles Minier,	William Weſt,
Daniel Dyſon,	Iſaac Dimſdale.

The Jury were charged with the Priſoner in the uſual form, on the following Indictment.

{CAPTION.} [Middleſex to wit]—Be it remembered that on Thurſday next after three weeks from the day of the Holy Trinity in the thirty-fifth year of the reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. in the Court of our ſaid Lord the King before the King himſelf at Weſtminſter in the County of Middleſex upon the oath of Robert Stephenſon Eſquire Simon Le Sage Eſquire Hezekiah Green Eſquire Robert Lewis Eſquire Edward Read Eſquire John Groves Eſquire John Thompſon Eſquire John Sich Eſquire John Spinage Eſquire Thomas Bramley Eſquire John Nicholl Eſquire William Dickey Eſquire Blanchard Coward Eſquire Peter Henderſon Eſquire Jeffrey Merryweather Shaw Eſquire William Parker Eſquire John Alexander Eſquire Thomas Davis Eſquire Thomas Marthwaite Eſquire Edward Hippeſley Eſquire and Joſeph Thackery Eſquire good and lawful men of the ſaid County of Middleſex now here ſworn and charged to enquire for our ſaid Lord the King for the body of the ſaid County It is preſented as followeth that is to ſay—

{INDICTMENT.} [Middleſex to wit]--The Jurors for our Lord the King upon their oath preſent that on the firſt day of March in the thirty-fourth year of the reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. and long before and continually from thence hitherto an open and public war was and yet is proſecuted and carried on between our ſaid Lord the King and the perſons exerciſing the powers of Government in France (that is to ſay) at Old Ford in the County of Middleſex and that William Stone late of Old Ford aforeſaid in the County of Middleſex aforeſaid merchant a ſubject of our ſaid Lord the King of his Kingdom of Great Britain well knowing the premiſes but not regarding the duty of his allegiance nor having the fear of God in his heart and being moved and ſeduced by the inſtigation of the devil as a falſe traitor againſt our ſaid Lord

the King and wholly withdrawing the allegiance fidelity and obedience which every true and faithful ſubject of our ſaid Lord the King of right ought to bear towards our ſaid Lord the King and contriving and with all his ſtrength intending the peace and common tranquillity of this Kingdom to diſquiet moleſt and diſturb and to depoſe our ſaid Lord the King from the royal ſtate title power and government of this Kingdom and to bring and put our ſaid Lord the King to death heretofore (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid maliciouſly and traitorouſly with force and arms did compaſs imagine and intend to depoſe our ſaid Lord the King from the royal ſtate title power and government of this Kingdom and to bring and put our ſaid Lord the King to death

And to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with one John Hurford Stone one William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to aid and aſſiſt and to ſeduce perſuade and procure divers ſubjects of our ſaid Lord the King to aid and aſſiſt the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in an hoſtile invaſion of the dominions of our ſaid Lord the King and in the proſecution of the ſaid war againſt our ſaid Lord the King

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well

well before as after that Day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with the ſaid John Hurford Stone William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to raiſe levy and make inſurrection rebellion and war within this Kingdom againſt our ſaid Lord the King and to invite perſuade and procure the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid to invade this Kingdom with ſhips and armed men and to proſecute and carry on the ſaid war againſt our ſaid Lord the King within this Kingdom

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid well knowing the ſaid William Jackſon traitorouſly to have come to and landed in this Kingdom for the traitorous purpoſe of procuring and obtaining intelligence and information whether the ſubjects of our ſaid Lord the King were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion of this Kingdom ſhould be made by them for the proſecution of the ſaid war againſt our ſaid Lord the King and of ſending and cauſing to be ſent ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King did with force and arms maliciouſly and traitorouſly receive and treat with the ſaid William

Jackſon

Jackſon at Old Ford aforeſaid in the County of Middleſex aforeſaid for the aid aſſiſtance and direction of the ſaid William Jackſon in the proſecution performance and execution of his traitorous purpoſe aforeſaid and did then and there maliciouſly and traitorouſly treat conſult and converſe with and did then and there maliciouſly and traitorouſly aid comfort abet and aſſiſt the ſaid William Jackſon in about and concerning the proſecution performance and execution of his the ſaid William Jackſon's traitorous purpoſe aforeſaid

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt Day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with the ſaid John Hurford Stone William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to collect and obtain and cauſe to be collected and obtained information and intelligence within this Kingdom and the Kingdom of Ireland whether any and what part of the ſubjects of our ſaid Lord the King were diſpoſed to aid and aſſiſt the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in an hoſtile invaſion of any and what part of this Kingdom or of the Kingdom of Ireland for the proſecution of the ſaid war againſt our ſaid Lord the King and to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations afore-

aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did enquire and cauſe to be enquired of divers perſons in this Kingdom and did collect and obtain and cauſe to be collected and obtained from ſuch perſons information and intelligence whether the ſubjects of our ſaid Lord the King were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion ſhould be by them made into this Kingdom for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did obtain and in his cuſtody and poſſeſſion did keep divers letters notes memorandums and inſtructions in writing containing information and intelligence how the ſubjects of our ſaid Lord the King were affected to our ſaid Lord the King and his Government and in what manner the ſaid ſubjects were likely to act in caſe an hoſtile invaſion of this Kingdom ſhould be made by the forces of the ſaid perſons exerciſing the powers

of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King as aforeſaid in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did ſend and cauſe and procure to be ſent from this kingdom to be delivered in foreign parts beyond the ſeas divers other letters notes memorandums and intelligence in writing containing information and inſtructions how the ſubjects of our ſaid Lord the King were affected to our ſaid Lord the King and his Government and in what manner the ſaid ſubjects were likely to act in caſe an hoſtile invaſion of this kingdom ſhould be made by the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations

ginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms malicioufly and traitorouſly did with the ſaid William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown conſpire conſult conſent and agree to raiſe levy and make inſurrection rebellion and war againſt our ſaid Lord the King within his Kingdom of Ireland and to cauſe procure and incite the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid to invade the Kingdom of Ireland with ſhips and armed men and to carry on the ſaid war againſt our ſaid Lord the King within the Kingdom of Ireland

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms malicioufly and traitorouſly did conſpire conſult conſent and agree to and with the ſaid William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown that he the ſaid William Jackſon ſhould go to and land in the Kingdom of Ireland for the traitorous purpoſe of procuring and obtaining intelligence and information whether the ſubjects of our ſaid Lord the King of his Kingdom of Ireland were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion of the ſaid Kingdom of Ireland ſhould be made by them for the proſecution of the ſaid war againſt our ſaid Lord the King and of ſending and cauſing to be ſent ſuch intelligence and information to the ſaid perſons exerciſing the

powers

powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King and did then and there maliciouſly and traitorouſly aid and aſſiſt the ſaid William Jackſon in going to and landing in the ſaid Kingdom of Ireland for the proſecution performance and execution of the traitorous purpoſe laſt mentioned and which ſaid William Jackſon in purſuance of the ſaid laſt mentioned conſpiracy conſultation conſent and agreement heretofore and during the ſaid war (to wit) on the twenty-eighth day of March in the thirty-fourth year aforeſaid did go to and land in the Kingdom of Ireland and did ſtay and continue there for a long time (to wit) for the ſpace of one month for the proſecution performance and execution of the traitorous purpoſe laſt mentioned

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid after the ſaid William Jackſon had gone to and landed in the ſaid Kingdom of Ireland for the traitorous purpoſe laſt mentioned and while the ſaid William Jackſon remained and continued in the ſaid Kingdom of Ireland for the traitorous purpoſe laſt mentioned and during the ſaid war (to wit) on the fifth day of April in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did correſpond with adviſe counſel aid abet and aſſiſt the ſaid William Jackſon in and about the proſecution performance and execution of the traitorous purpoſe laſt mentioned

And further to fulfil perfect and bring to effect his moſt evil and wicked treaſon and treaſonable compaſſing and imaginations aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county

county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did furniſh and ſupply and cauſe to be furniſhed and ſupplied and aid and aſſiſt in furniſhing and ſupplying the ſaid William Jackſon with divers ſums of money bills of exchange and notes for payment of money thereby to enable the ſaid William Jackſon to fulfil perform and execute his the ſaid William Jackſon's traitorous purpoſes before mentioned in contempt of our ſaid Lord the King and his laws to the evil example of all others in the like caſe offending contrary to the duty of the allegiance of him the ſaid William Stone againſt the form of the ſtatute in ſuch caſe made and provided and againſt the peace of our ſaid Lord the King his crown and dignity

And the Jurors aforeſaid upon their oath aforeſaid do further preſent that on the ſaid firſt day of March in the thirty-fourth year aforeſaid and long before and continually from thence hitherto an open and public war was and yet is proſecuted and carried on between our ſaid Lord the King and the perſons exerciſing the powers of Government in France (to wit) at Old Ford aforeſaid in the county of Middleſex aforeſaid and that the ſaid William Stone well knowing the premiſes but not regarding the duty of his allegiance nor having the fear of God in his heart and being moved and ſeduced by the inſtigation of the devil as a falſe traitor againſt our ſaid Lord the King and wholly withdrawing the allegiance fidelity and obedience which every true and faithful ſubject of our ſaid Lord the King ſhould and of right ought to bear towards our ſaid Lord the King and contriving and with all his ſtrength intending to aid and aſſiſt the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King in the proſecution of the ſaid war againſt our ſaid Lord the King heretofore and during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day with force and arms at Old Ford aforeſaid in the county of Middleſex aforeſaid maliciouſly and traitorouſly was adhering to and aiding and comforting the ſaid perſons exerciſing the powers of Government in France then being enemies of our ſaid Lord the King

as

as aforeſaid and that in the proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with the ſaid John Hurford Stone William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to aid and aſſiſt and to ſeduce perſuade and procure divers ſubjects of our ſaid Lord the King to aid and aſſiſt the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in an hoſtile invaſion of the dominions of our ſaid Lord the King and in the proſecution of the ſaid war againſt our ſaid Lord the King

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with the ſaid John Hurford Stone William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to raiſe levy and make inſurrection rebellion and war within this Kingdom againſt our ſaid Lord the King and to invite perſuade and procure the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid to invade this Kingdom with ſhips and armed men and to proſecute and carry on the ſaid war againſt our ſaid Lord the King within this Kingdom

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year

aforeſaid

aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid well knowing the ſaid William Jackſon traitorouſly to have come to and landed in this Kingdom for the traitorous purpoſe of procuring and obtaining intelligence and information whether the ſubjects of our ſaid Lord the King were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion of this Kingdom ſhould be made by them for the proſecution of the ſaid war againſt our ſaid Lord the King and of ſending and cauſing to be ſent ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King did with force and arms maliciouſly and traitorouſly receive and treat with the ſaid William Jackſon at Old Ford aforeſaid in the county of Middleſex aforeſaid for the aid aſſiſtance and direction of the ſaid William Jackſon in the proſecution performance and execution of his traitorous purpoſe laſt mentioned and did then and there maliciouſly and traitorouſly treat conſult and converſe with and did then and there maliciouſly and traitorouſly aid comfort abet and aſſiſt the ſaid William Jackſon in about and concerning the proſecution performance and execution of his the ſaid William Jackſon's traitorous purpoſe laſt mentioned

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree with the ſaid John Hurford Stone

William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown to collect and obtain and cauſe to be collected and obtained information and intelligence within this Kingdom and the Kingdom of Ireland whether any and what part of the ſubjects of our ſaid Lord the King were diſpoſed to aid and aſſiſt the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in an hoſtile invaſion of any and what part of this Kingdom or of the Kingdom of Ireland for the proſecution of the ſaid war againſt our ſaid Lord the King and to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did enquire and cauſe to be enquired of divers perſons in this Kingdom and did collect and obtain and cauſe to be collected and obtained from ſuch perſons information and intelligence whether the ſubjects of our ſaid Lord the King were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion ſhould be by them made into this Kingdom for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Govern-

ment

ment in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did obtain and in his cuſtody and poſſeſſion did keep divers letters notes memorandums and inſtructions in writing containing information and intelligence how the ſubjects of our ſaid Lord the King were affected to our ſaid Lord the King and his Government and in what manner the ſaid ſubjects were likely to act in caſe an hoſtile invaſion of this Kingdom ſhould be made by the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did ſend and cauſe and procure to be ſent from this Kingdom to be delivered

in foreign parts beyond the ſeas divers other letters notes memorandums and inſtructions in writing containing information and intelligence how the ſubjects of our ſaid Lord the King were affected to our ſaid Lord the King and his Government and in what manner the ſaid ſubjects were likely to act in caſe an hoſtile invaſion of this Kingdom ſhould be made by the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the proſecution of the ſaid war againſt our ſaid Lord the King with intent to communicate notify and reveal and cauſe to be communicated notified and revealed ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did with the ſaid William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown conſpire conſult conſent and agree to raiſe levy and make inſurrection rebellion and war againſt our ſaid Lord the King within his Kingdom of Ireland and to cauſe procure and incite the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid to invade the Kingdom of Ireland with ſhips and armed men and to carry on the ſaid war againſt our ſaid Lord the King within the Kingdom of Ireland

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to

 wit)

wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did conſpire conſult conſent and agree to and with the ſaid William Jackſon and divers other falſe traitors whoſe names are to the ſaid Jurors unknown that he the ſaid William Jackſon ſhould go to and land in the Kingdom of Ireland for the traitorous purpoſe of procuring and obtaining intelligence and information whether the ſubjects of our ſaid Lord the King of his Kingdom of Ireland were or were not well affected to our ſaid Lord the King and his Government and were or were not likely to join with and aſſiſt the forces of the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid in caſe an hoſtile invaſion of the ſaid Kingdom of Ireland ſhould be made by them for the proſecution of the ſaid war againſt our ſaid Lord the King and of ſending and cauſing to be ſent ſuch intelligence and information to the ſaid perſons exerciſing the powers of Government in France and being enemies of our ſaid Lord the King as aforeſaid for the aid aſſiſtance direction and inſtruction of the ſaid enemies of our ſaid Lord the King in their conduct and proſecution of the ſaid war againſt our ſaid Lord the King and did then and there maliciouſly and traitorouſly aid and aſſiſt the ſaid William Jackſon in going to and landing in the ſaid Kingdom of Ireland for the proſecution performance and execution of the traitorous purpoſe laſt mentioned and which ſaid William Jackſon in purſuance of the ſaid laſt mentioned conſpiracy conſultation conſent and agreement heretofore and during the ſaid war (to wit) on the twenty-eighth day of March in the thirty-fourth year aforeſaid did go to and land in the Kingdom of Ireland and did ſtay and continue there for a long time (to wit) for the ſpace of one month for the proſecution performance and execution of the traitorous purpoſe laſt mentioned

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid after the ſaid William

Jackſon had gone to and landed in the ſaid Kingdom of Ireland for the traitorous purpoſe laſt mentioned and while the ſaid William Jackſon remained and continued in the ſaid Kingdom of Ireland for the traitorous purpoſe laſt mentioned and during the ſaid war (to wit) on the fifth day of April in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did correſpond with adviſe counſel aid abet and aſſiſt the ſaid William Jackſon in and about the proſecution performance and execution of the traitorous purpoſe laſt mentioned

And in further proſecution performance and execution of his treaſon and traitorous adhering aforeſaid he the ſaid William Stone as ſuch falſe traitor as aforeſaid during the ſaid war (to wit) on the ſaid firſt day of March in the thirty-fourth year aforeſaid and on divers other days as well before as after that day at Old Ford aforeſaid in the County of Middleſex aforeſaid with force and arms maliciouſly and traitorouſly did furniſh and ſupply and cauſe to be furniſhed and ſupplied and aid and aſſiſt in furniſhing and ſupplying the ſaid William Jackſon with divers ſums of money bills of exchange and notes for payment of money thereby to enable the ſaid William Jackſon to fulfil perform and execute his the ſaid William Jackſon's traitorous purpoſes beforementioned in contempt of our ſaid Lord the King and his laws to the evil example of all others in the like caſe offending contrary to the duty of the allegiance of him the ſaid William Stone againſt the form of the ſtatute in ſuch caſe made and provided and againſt the Peace of our ſaid Lord the King his Crown and Dignity.

The

The Indictment was opened by Mr. Wood.

Mr. Attorney General.

May it pleaſe your Lordſhips and Gentlemen of the Jury,

I am called upon, in the diſcharge of an extremely painful but a neceſſary and important duty, to ſtate to you, this day, the grounds upon which a Grand Jury of the Country have called upon Mr. Stone, now ſtanding at the bar, to anſwer to an accuſation of the higheſt nature, undoubtedly, that can be ſtated in an Engliſh Court againſt an Engliſh ſubject. Gentlemen, we are aſſembled upon an extremely ſolemn occaſion. However diſtreſſing it may be to me to execute this duty, I feel I owe it to the public to endeavour to execute it with firmneſs. I am ſure that there is no perſon, who ſits in this Court with a temper and character that belongs to an Engliſhman, that will not depart this Court with great ſatisfaction if, in the reſult of this enquiry, an Engliſh ſubject, thus accuſed, ſhall enable you (looking at this caſe with a due attention to your duty to the priſoner, whoſe honour, whoſe character, whoſe deareſt intereſts are involved in the deliverance which you are to make this day; and with a due attention, on the other hand, to the claims which your Country have upon you to make a true deliverance between the priſoner and the Country) to ſay, upon your oaths, "Not guilty," and no more. Every man, I am ſure, will go out of this Court extremely happy if Mr. Stone is able to clear himſelf from the charge now made before you.

Gentlemen, upon the law of this caſe, ſpeaking under the correction of the wiſdom which preſides here, and addreſſing myſelf to you, I have very little to ſay, becauſe I apprehend the law of this caſe is perfectly clear. Mr. Stone is charged with two ſpecies of High Treaſon in this indictment:—with compaſſing the death of the King; and with adhering to the enemies of the King. And there are ſeveral overt acts charged, amounting, I think, with reſpect to each of this ſpecies of Treaſon, to eleven; the ſame overt acts being charged as overt acts of each of theſe ſpecies of Treaſon.

Gentlemen, I believe it will be impoſſible, and for that reaſon I ſhall not trouble you at preſent at length upon this part of the caſe, to diſpute, if the facts ſtated in this indictment, as overt acts, are proved to have been committed with the intention imputed in the indictment as to each and every of theſe overt acts, that they are overt acts of that Treaſon, to which they are made to relate in the indictment. And it will be for you to try upon this occaſion whether theſe overt acts are made out as they are laid by that ample and ſufficient legal teſtimony, which, I thank God, the law of this Country has required to be given, to the ſatisfaction of an Engliſh Jury, whenever an Engliſhman is charged with ſuch offences as thoſe which are put upon this record.

The firſt ſpecies of Treaſon, ſtated upon the record, is the Treaſon of compaſſing and imagining the death of the King, which is the firſt ſpecies of Treaſon mentioned in the great ſtatute of 25 Edward III, upon which the whole law of the land with reference to this head of Treaſon is founded; and the acts charged againſt Mr. Stone are, that he conſpired with a perſon of the name of John Hurford Stone, who is his Brother, and who was reſident in France under very particular circumſtances, which I ſhall have occaſion to ſtate to you preſently, and with a perſon of the name of Jackſon, who was a clergyman, an American—I miſtake, he was an Iriſhman—with reſpect to whom, I think, I may venture to ſtate to you, that it will be proved to a degree of demonſtration that leaves not a ſhadow of doubt as to the fact, that the French Government, intending an invaſion in this Country towards the cloſe of the year 1793, or rather the ſpring of the year 1794, employed him to come over into this Country for the purpoſe of collecting intelligence how far this projected purpoſe of the French Government was likely to be carried into execution with effect here; and employed him alſo for the purpoſe of afterwards quitting this Country in order to viſit Ireland, for the purpoſe of enabling the French Government to determine whether an invaſion of that Country could be made with ſucceſs. With theſe two perſons, and with others, the priſoner at the bar is charged with having conſpired for the purpoſe of aſſiſting the enemies of the King in

a hoſtile

a hoſtile invaſion of the dominions of the King, and in the proſecution of the war.

The next charge, by way of overt act, in this indictment, is, that they conſpired to levy war in this Country, and to incite the perſons exerciſing the powers of Government in France to invade this Kingdom, and to proſecute and carry on the war againſt this Country.

The third is, that Mr. Stone, knowing that Mr. Jackſon came over to this Country for the purpoſe which I have ſtated to you, received him and conſpired with him to cauſe intelligence and information to be procured, for the purpoſe of being ſent to the perſons exerciſing the powers of Government in France, to the intent to aid, aſſiſt, and direct them in the proſecution of the war. You will likewiſe find that there are ſeveral other overt acts charged in the indictment, which I will not go through now, but they reſolve themſelves, generally, into this—that the priſoner, Mr. Stone, entered into the purpoſes of Mr. Jackſon, and did all theſe acts in furtherance of the purpoſes of Mr. Jackſon, which were to enable him to communicate to the perſons carrying on the Government in France the grounds upon which they were to act, in determining whether they ſhould invade this Kingdom or ſhould invade Ireland, or abſtain from doing the one or the other.

Gentlemen of the Jury, having generally ſtated the indictment to you, and having ſtated, as generally, my perſuaſion that it will be impoſſible, if the evidence, being ſuch as the law requires, makes out the fact that theſe matters, charged as overt acts, were done by Mr. Stone, to doubt that they are clear overt acts of the reſpective ſpecies of Treaſon mentioned in the indictment. I proceed to ſtate to you the circumſtances of this caſe, to the extent in which it will be neceſſary for me to ſtate them, in order that you may be able to underſtand the evidence in the courſe and train in which it ſhall be offered to you.

Gentlemen of the Jury, I introduce this ſtatement with an obſervation, which I think it my duty to make for Mr. Stone, and with a ſtatement of a fact, which, in duty to the Country, I am bound alſo to ſtate to you, whatever the effect of it may be,

be. Theſe two circumſtances will be extremely material for you to attend to, when you come to hear the written evidence which will be produced in the courſe of this cauſe.

One of the perſons named in this indictment, with whom Mr. Stone is ſtated to have conſpired, you ſee is his brother, John Hurford Stone. A great deal of correſpondence between Mr. Stone, who ſtands here, and John Hurford Stone will be produced to you. Another of the perſons who is named in the indictment is, as I before ſtated to you, a Mr. Jackſon. Gentlemen of the Jury, you will be ſatisfied, beyond all diſpute, that Mr. Jackſon came over here addreſſed by Mr. John Hurford Stone to Mr. William Stone, who now ſtands before you. You will likewiſe have laid before you ſome very important correſpondence between Mr. William Stone, who ſtands at the bar, and that Mr. Jackſon. With reſpect to the correſpondence between Mr. William Stone and his brother, John Hurford Stone, it is fit that I ſhould ſtate to you that it will be proved that, when the Government of this Country, in the diſcharge of what they thought their duty, or rather when one of thoſe who was concerned in the Government of the Country, ſent his warrant for the ſeizure of the papers of William Stone, that occurred which I hope always will occur in caſes of this ſort, as far as the ends of public juſtice will allow of it, namely, that the warrant was executed with as much forbearance in the manner of doing it as poſſible. Mr. William Stone was therefore called upon (to avoid a general ſeizure of his papers) to deliver up the correſpondence between himſelf and Mr. John Hurford Stone. You will hear of the manner in which theſe papers were given up. It is fit that I ſhould tell you now that they were given up, apparently, very willingly, without any concealment: that ſome were found, I think, in the eſcrutoire or bureau of Mrs. Stone; that others were found in places that I do not repreſent as places of concealment: that they were given up in a manner which, certainly, affords no inference againſt the gentleman who ſtands at the bar. On the other hand, it is my duty to ſtate to you, in order that you may underſtand the effect of the evidence with reſpect to all the correſpondence

reſpondence in the outſet, that I ſhall call to you Mr. King, the Under Secretary of State, and another perſon to prove this fact, viz. that Mr. Stone, who ſtands at the bar, was called upon to deliver up the correſpondence which had taken place between him and Mr. Jackſon in the names of William Enots and Thomas Popkins; that he denied that he had any ſuch correſpondence. Mr. King will inform you what part of this correſpondence was nevertheleſs found at Mr. Stone's after this tranſaction paſſed, which I have now been ſtating to you; the materiality of it, it will be for you to judge of.

Gentlemen, having ſtated theſe circumſtances, I proceed now to mention to you that it will appear, I think, that early in the year 1792, Mr. John Hurford Stone, who had a conſiderable eſtabliſhment, together with Mr. William Stone and others, at Old Ford in this Country, had gone abroad into France, apparently for the purpoſe of eſtabliſhing manufactories in that Country, particularly a Sal Ammoniac manufactory. By the month of February, 1793, I think I ſhall be able to prove to you that Mr. John Hurford Stone had become, to all intents and purpoſes, what I ſtate to be a domiciled Frenchman, devoted to the intereſts of the French, conſidering himſelf as the ſubject of France, conſidering himſelf as affected by all the intereſts which that Country had againſt this Country. Gentlemen, if he had acquired that character, though it might be painful undoubtedly for a perſon ſtanding in the relation in which Mr. Stone at the bar ſtood in to that gentleman, to abſtain, after the war broke out, from all correſpondence with him, yet unqueſtionably, on the other hand, ſuch a correſpondence naturally led to a good deal of danger, and it became perhaps a more difficult thing than the moſt ſenſible man could well execute, to have intereſts in common with a perſon ſtanding in that relation to a Country, which was at war with this.

You will find, Gentlemen, as you all know, for it is matter of notoriety, that a war broke out, ſometime, I think, about February, 1793, between the countries—at leaſt that then there became open war between them, as it is called *via facti*. A letter will be produced to you, in which you have John Hurford

Stone's opinion with reſpect to his own ſituation, and with reſpect to his notions of his own national character at that time, for, upon the 2d of February, 1793, writing over to his brother, he ſtates to him—"Yeſterday we declared war "againſt you in due form, with the general approbation, and ge- "neral regret;—Holland, it is expected, will be in our power "in a very ſhort time, and this will likely bring it with Eng- "land to a ſhort concluſion." You will attend, when you hear read in evidence the ſubſtance of another letter by and by, on the ſubject of Holland; to the inference which ariſes from this paſſage with reſpect to Holland, which would ſoon be as he expreſſes it, in their power. Previous to this 2d of February, 1793, and ſubſequent to it, before the 23d of November, 1793, ſome correſpondence extremely material paſſed, which it will be my duty to produce in evidence, but as to which, for the ſake of making this caſe intelligible, I ſhall reſerve troubling you with an account of it till nearly the cloſe of what I have the honour of addreſſing to you.

Upon the 22d of November, 1793, you will find that the French Government had adopted this purpoſe of invading this Country, and upon that occaſion Mr. John Hurford Stone by a letter of the 22d of November, 1793 (ſubſequent to which period I am not aware that any communication whatever was made to any perſons, whoſe ſituation here was ſuch, as called upon every ſubject of the Country, knowing what I am about to ſtate to you, to communicate with them) by a letter of that date under the ſignature of John Hurford, addreſſed to Meſſrs. Lawrence and Company, Rutland Place, Thames Street, London, ſome of whom will be called to you to prove that, when theſe foreign letters came thus addreſſed, they were immediately carried to Mr. Stone individually, as being meant for him. The priſoner's brother writes thus—"I have reaſons, at this "diſtance, for wiſhing the houſe at Old Ford diſpoſed of: if "not by May, it will be taken."

Upon the 9th of December, 1793, you will find another letter, in which Mr. Hurford Stone, addreſſing it again in the ſame manner to Lawrence and Company, for the uſe of his brother,

brother, ſays to this effect—" I have ſtill the ſame opinion " reſpecting the practicability and profit of eſtabliſhing, by " and by, ſuch a one here," (that is, ſuch a manufactory as he had given it as his advice, ſhould be diſpoſed of in this Country) " but, as it is likely the whole face of things will be changed, " both with you and us, there is no ſafety in ſpeculation at " preſent.—I mentioned to you about Old Ford houſe; were it " mine, and you knew what I do, I ſhould diſpoſe of it at the " leaſt poſſible loſs, and that inſtantly."

Another letter is written upon the 16th of December, 1793, which firſt diſcloſes that project in a ſmall degree, in furtherance of which Mr. Jackſon came over to this Country, addreſſed to Mr. William Stone, and he ſays in that to this effect—" I " ſhall take an opportunity ſhortly to explain to you what " I meant by the houſe at Old Ford." You ſee the two firſt letters are rather dark intimations that he has a knowledge of ſomething, which, if his brother in this Country knew, he would diſpoſe of the houſe at Old Ford, and that inſtantly, as he expreſſes it in his letters, and then he tells him in this, that he ſhould ſoon have an opportunity of informing him more diſtinctly what it was that he meant.

Upon the 26th of December, 1793, after ſpeaking of the operations of France, as operations, which in truth were his, as well as theirs, and ſpeaking in this ſort of language—" We " are every way invincible; and of this the taking of Toulon " will ſerve you as an evidence, for thouſands of our country- " men periſhed there; but this is not a hundredth part of the " evil that awaits you; the Vendee is cruſhed entirely by this " time, and troops are gathering on the coaſts. I wiſhed you to " diſpoſe of your houſe—you now fully underſtand me." There is then ſome ſhort-hand in the paper, which I am not able to read, but, taking it at preſent as blank, it will run thus ——— " muſt take place."

Upon the 16th of January, 1794, another letter is written by Mr. Hurford Stone to his brother, in which he ſays to this effect —" I note what you ſay about the manufactory, and Old Ford " houſe; the perſon alluded to" (whom you, Gentlemen, will find preſently to be this Mr. Jackſon) " will explain all the " myſtery

" myſtery—you will treat him with hoſpitality, for he is very " much my friend." In another part of that letter, ſpeaking about a publication, which was to be a national publication for France, a literary publication, he ſays of that alſo—" This will " be explained to you in a day or two more fully by other " means." Then, in the ſame letter, he refers to ſomething which I am at a loſs to explain, but which I think it my duty to read to you. He ſays, " I ſpeak to you heſitatingly about " every thing, nor can I ſpeak with more aſſurance, till I ſee " the event of the 21ſt inſtant, (that is the 21ſt of January) " I cannot convey you our anxiety, nor our reſolve: the " events of the laſt month will have given totally a new turn, " and it preſents to my mind the moſt pleaſing proſpects, not " only for my own intereſt, but for that of mankind: the events of " the ſucceeding month will be more aſtoniſhing to you, and in " the ſame way, than the laſt."

Gentlemen, upon the 17th of January there is a more direct communication of the purpoſes, with which this gentleman, the clergyman, Mr. Jackſon, came into this Country, whom I firſt mentioned as an American, forgetting that he was an Iriſhman, being led to treat him as an American, by a paſſage which is in this letter. Upon the 17th of January he ſays to this purport—" I have written to you by a gentleman, an " American, who will call on you, and give you a very long " detail of various things." You will find afterwards that Mr. Stone, in all the converſations, which it will be my duty to open to you, repreſented Mr. Jackſon, naming him, to be an American. After the words, " Who will call upon you and " give you a very long detail of various things"—he proceeds, " You will receive various propoſitions, which you will weigh, " and conſider; he will inſtruct you alſo what I meant reſpect- " ing Old Ford houſe; but the events of the laſt months " I think will make any further conſideration of it unne- " ceſſary." You will ſee by and by that his opinion about that is altered. He proceeds, " At leaſt we think ſo on a thouſand " other important accounts, in which what I ſaid on Old Ford " was but a very ſlight part. However I might be intereſted " on your account and my own it is likely will

" not

« not take place, but all depends on the 21ſt, if it ſhould, « you had better be in town, and Mrs. S. in the country; but « all this depends ſo much on circumſtances, that it is folly to « ſpeculate. I hope the may be averted; if it be « not, I will more fully explain myſelf. I refer alſo to my « American friend for intelligence reſpecting the magazine," (that literary work in which theſe gentlemen were engaged). Here is a paſſage, you ſee, in which a hope is expreſſed, that it might be averted; it will be for you to judge, by and by, under the direction you will receive, and attending to what ſhall appear, in your own minds, the juſt inferences from all the facts of the caſe, whether paſſages of this ſort, where they occur, are not inſerted for the purpoſe of giving colour to the project, with the guilt of which this indictment charges Mr. Stone at the bar; and to judge, under the direction that you will receive here, whether, attending to all the circumſtances proved, and all the inferences ariſing upon all paſſages in the whole of the correſpondence to be laid before you, any colour can be given to render the acts done by this gentleman, and ſtated in this indictment, to have been done by him, innocent acts, not referable to the intention charged upon this indictment.

Upon the 24th of January, 1794, a letter appears to have been addreſſed by John Hurford Stone, under the name of Benjamin Beresford, (a name, which I muſt beg your particular recollection of throughout the whole of this caſe, becauſe you will ſee in what manner the intelligence from this Country was communicated by means of that name) this letter, in the handwriting of John Hurford Stone, appears to have been addreſſed to Meſſrs. Lawrence and Company, in which he acknowledges the receipt of various letters, and deſires his brother to addreſs them in future to a place at Liege, ſtating that he gets them a day ſooner. There is a paſſage in this to this effect, after ſtating certain tranſactions: « All this you will find explained in « my letter to our philoſophical friend, if it be received. I have « written to you two letters by an American friend, to whom I « have given a letter of credit on you for what monies he may « want; having received here, and arranged the mode of re-

« ceiving

" ceiving whatever you may pay him. You will receive of " courſe the amount in return. I have recommended him to " you as a perſon with whom he will have much buſineſs to " tranſact." What that buſineſs was muſt be explained to you on the part of Mr. William Stone; " he will have much buſi- " neſs to tranſact of various kinds; and with a reference to this," (that is, to the much buſineſs which he had to tranſact of various kinds; though, if I am rightly inſtructed, Mr. William Stone will not be able to prove that this perſon, with whom he had ſo much buſineſs to tranſact, was ever preſent with him in the preſence of a third perſon upon any tranſaction whatever of buſi- neſs) " and with a reference to this, I am rejoiced that you are " getting diſembarraſſed of your preſent engagements ſo far as " you relate. I truſt you will find your future one incompar- " ably much more worth your attention. I enter into no detail " in my letters, but leave himſelf to explain the buſineſs." In another part of this letter he ſtates to this purport; " I wiſh " nothing deciſive to be done till about the middle of next month, " by which time you will be able to know more effectually how " to act." In another part he ſays, " I notice what you ſay " about Whitbread's application, it is well, but I hope, as I have " above ſaid, that you will have buſineſs infinitely more worth " your conſideration: if you have a partner, and ten or twelve " thouſand pounds, as I hope by what you tell me, you will be " left more at leiſure to attend to my friend's propoſitions. You " will be ſurprized in reading my latter letters, to ſee how I " waver on the ſubject of the houſe" (that ſeems to me to be the houſe at Old Ford) " I do not think that all this preparation " is abſolutely neceſſary: the immenſe deſtruction, lately un- " dergone, muſt give a new change; but, ſo far as I am con- " cerned, pray do not diſpoſe of my pictures to ſuch a Goth as " J. Cooke. Do you know that ſome of them are beyond any " price; for inſtance, the twelve ſmall ones are originals of " Teniers. I have the plates here of the very pictures, and the " others are almoſt all originals. If you wiſh to get rid of the " houſe, it is very well; if not, ſtop a little till you ſee my " friend." Then he ſays, and that is a circumſtance that of

itſelf

itſelf would prove his national character undoubtedly for the purpoſe of confiſcating his property, and moſt other purpoſes in a queſtion of peace and war. " A man, who has eſtabliſhed " three different manufactories in a country, has a right to " ſome conſideration: Thank God, I enjoy more than my " ſhare." And then, at the back of that letter is written theſe words; addreſſed from a Britiſh ſubject, reſident in Paris, to a ſubject reſident in England, and ſpeaking of Britiſh ſhips, " We " have taken fifteen merchantmen, and the news is, that we " have taken fifty-two more."

Gentlemen, upon the 14th of February, 1794, there is another letter from Hurford Stone, ſigned John Hurford, directed in the ſame manner, in which he ſays (and it is neceſſary to beg your attention to this, with reference to a fact that I am to ſtate by and by) in which he ſays, he had removed his account to the houſe of Jean Louis Bourcard, at Baſle; that Mr. B. Beresford was their reſident there; that, as buſineſs called him into various parts of Switzerland, letters might be forwarded to Beresford, at the houſe of Bourcard: and then he mentions two bills that Beresford had drawn upon William Stone, and mentions another circumſtance, viz. " that the ſum of five " thouſand pounds had not been received by the Oſtend Dili- " gence." What that relates to it is impoſſible for me to explain, but in this letter, (and this will deſerve your attention) it is ſtated alſo thus, " Mr. B. has made payable at your houſe, in " caſe of need, three hundred pounds, on a Banker at Dublin; " and ſeventy-five pounds on a houſe in London. There is no " doubt of their being honoured; but, if any difficulty ſhould " ariſe, he holds the full property in American bills on Am- " ſterdam, which ſhall be forwarded inſtantly to you; if there is " any demur, you will not ſuffer them to go back."

Gentlemen, you will hear of the bills upon Dublin in another part of the evidence, which will be produced to you.

Upon the 16th of February, 1794, you will find another letter from Mr. Hurford Stone, addreſſed likewiſe to the houſe of Lawrence and Company, but for the uſe of William Stone, in which he ſays this, " In anſwer to the laſt, after thanking you

" for your trouble, would wiſh every thing to remain in *ſtatu*
" *quo*, as I do not think it worth while to diſpoſe of any part;
" firſt on account of Mrs. S. to whom moſt of theſe objects are
" precious, though otherwiſe of no value; and next, the reſt
" will be of much greater ſervice to me here; that is, the linen,
" &c. than what could be got for them." He ſpeaks again upon the pictures, and ſays, " in ſaying this I have not much
" changed my ſentiments as to the motives, which led you to
" take this trouble; the thing is as fixed now as it was then;
" but circumſtances may change, and render it unneceſſary."
Now I would beg your particular attention to this paſſage, becauſe if the matter deſcribed here under the words " *the*
" *thing*," &c. mean the invaſion; and that that is as fixed on now, as it was then; and that circumſtances relative to invaſion might change, and render it unneceſſary, then I think you will not heſitate to ſay, that the ſubſequent part of the letter points in fact to that information, which was to be gained by this American friend, as conſtituting one of the circumſtances, in conſequence of which that change might take place in that project, which is repreſented in this letter to be fixed. The letter proceeds, " I refer you to my American friend, and the
" letters, which he carries you, for all that I ſhould otherwiſe
" write on that head." Now what was the head, upon which Mr. John Hurford would otherwiſe have written, and with reference to which he refers Mr. William Stone to this American friend, connected with that thing, which in this letter is ſaid to be as fixed now as ever it was, but which might change in conſequence of circumſtances? It ought undoubtedly to be in the power of Mr. William Stone, to explain this, when he explains to you alſo the various buſineſſes, relative to which a former letter has ſtated to you, that this American gentleman was addreſſed to Mr. William Stone. The letter proceeds, " but not recollect-
" ing that his buſineſs would take him ſo great a round, or
" rather not knowing it till after his departure, I have delayed
" writing by the poſt, which will have occaſioned you, I fear,
" ſome uneaſineſs." Then, in another part of his letter, he ſtates this, " If the plan you are to be conſulted on takes place

" you

" you will ſee the neceſſity of diſembarraſing yourſelf more. I " enter into no particulars, as you will receive otherwiſe ſuch " ample information.—But you do wrong to be anxious, " as it may not take, though it appears abſolutely neceſſary. " Commercial ſchemes, like others, are ſometimes viſionary: " here however there is ſolid ground: You are miſtaken if you " think I have changed my opinion reſpecting the propriety of " leaving the houſe. I have only ſuſpended it. Judge yourſelf " from what you hear. I only obſerve that the plan is not laid " aſide, and, if it be put into execution, your poſition there," that is (as I conſtrue it) in England; " will certainly be a very " loſing one."

You will allow me here, when this language relative to commercial ſchemes firſt occurs, to ſtate to you that you will find, by and by, that each of theſe letters, which you can have no doubt at all, upon reading them all throughout, have a clear relation to the State of the Government of Ireland and of England, as being or not being that State, which afforded an invitation to the enemies of this Country to invade the one or the other, is calculated to deſcribe England and Ireland under the character of commercial houſes, dealing in linen drapery goods and manufactures, and under other phraſes and expreſſions, the purpoſe of uſing which character and expreſſions was to give a colour in each letter to this buſineſs, which might make each unintelligible in caſe it fell into hands, into which it was not meant that it ſhould come.

In another letter, dated the 4th of March, 1794, you will find again that the change of the addreſs is mentioned from Aix la Chapelle, to the houſe of Jean Louis Bourcard, at Baſle, inſtead of Liege; and then it ſtates that Beresford was reſident in Switzerland: In that letter he ſays, " I told you alſo in my " letter, that I had received a letter from the American, who " was then going to London: you will have ſeen him by this " time." In the former letter it is ſtated, that he had various buſineſſes to arrange with Mr. Stone, in London: you will find by this letter, that the buſineſſes which Mr. Stone was to arrange with him, were the buſineſſes of him, the American. Your attention will be given to this expreſſion; " you will

 " have

" have ſeen him by this time, and will have arranged *his* affairs " with him."

Gentlemen, theſe letters having preceded the arrival of Mr. Jackſon in this Country, I take them to be extremely important to be ſtated to you; becauſe there can be no diſpute with me, I apprehend upon this, that, when Mr. Stone had received theſe letters, he had received intimations of the purpoſes and events with reference to which this Iriſh clergyman, repreſented as an American gentleman, came into this Country, which muſt, of neceſſity, give a character to the negotiations and tranſactions of Mr. William Stone with this perſon whilſt he was in London; and that it will be impoſſible for Mr. William Stone, after this, to inſiſt (much more impoſſible when I have ſtated to you other correſpondence in the cloſe of this buſineſs) that he could have a doubt that Jackſon came here for the purpoſe of learning the ſtate of this Country, with reſpect to the probability of ſucceſſfully invading it, and for the purpoſe of communicating intelligence upon that to France: and I take it that the concluſion imputed by the record follows clearly in law, if he aſſiſted Jackſon with this intelligence, when he could not but know that Jackſon came to this Country for the purpoſe of acquiring it, in order to make that communication to France. I conceive then that the conſequence neceſſarily follows; but it will be for my Lord to ſtate a much better opinion upon that than I can hope to offer to you.

Gentlemen, Mr. Jackſon arrived at Hull from Hamburgh upon the 26th of February, 1794; he came immediately up to London; and I ſhall connect moſt deciſively the priſoner, William Stone, with the perſon whoſe name is upon the addreſs he left at Hull to himſelf at Mr. Cokayne's. When I mention the name of this perſon, I ſhall trouble you with an obſervation upon it, with reference to this caſe, which appears to me of importance. Mr. Jackſon left with the maſter of the veſſel, or ſome other perſon at Hull, who will be called to prove the fact to you, an addreſs to himſelf in theſe words—" Encloſe a letter " to me thus—For Mr. Jackſon, John Cokayne, Eſq. Lyons " Inn, near Temple-bar, London." In the courſe of this

cauſe

cauſe that Mr. Cokayne will be called to you. You will perhaps be told that he was employed for the purpoſe of watching the actions of Mr. Jackſon; and upon that much imputation will perhaps be attempted to be made with reſpect to Mr. Cokayne's evidence. If it goes to this extent it is fair.—I mean that the evidence of perſons ſtanding in the ſituation in which Mr. Cokayne ſtood, is to be received with great jealouſy; and that it is the duty of the Court and the Jury, I preſume to ſtate that under my Lord's direction, to guard the priſoner with reſpect to the effect of the teſtimony of a man ſtanding in the ſituation in which Mr. Cokayne will be proved to you to have ſtood in this buſineſs. But, Gentlemen, I hope I ſhall not hear it permitted by this Court of Juſtice that obſervation ſhould be carried further than this. If the evidence of Mr. Cokayne is deciſively and clearly, and beyond all contradiction confirmed, I hope I ſhall not hear it permitted by this Court to be ſtated that no credit ought to be given in a Court of Juſtice to a man whoſe teſtimony is conſiſtent, credible, confirmed, and made indubitably ſtrong by the written evidence in the cauſe, becauſe that man ſtood in ſuch a ſituation as Mr. Cokayne did. Such a perſon is not to be treated improperly in a Court of Juſtice; nor are a Jury to be even addreſſed with any hope that ſuch an addreſs ſhould ſucceed, upon the principle that no credit ſhould be given to ſuch a teſtimony. The evidence of ſuch a perſon ſhould be watched with an extreme and an anxious jealouſy I do admit; and, owing a duty undoubtedly to the priſoner here as well as to the public, I join with thoſe who call upon you to examine the evidence of that perſon with great jealouſy and great attention; but I ſay alſo that it is due to juſtice and to the witneſs, that the true effect of his evidence ſhould be given to it by the Jury.

Mr. Jackſon having come into this Country, it will be clear to you, beyond all doubt, upon the evidence which I am going to ſtate, that his communications in this Country were with Mr. Stone, now at the bar.

Gentlemen, I may have occaſion, in the courſe of this cauſe, to ſtate to you a reaſon for the abſence of ſome witneſſes; whoſe

abſence, though I feel that their teſtimony might be material to the juſtice of the Country, I have not upon the whole thought to be a ſufficient cauſe, conſidering the attention due to the priſoner as well as the Country, for poſtponing this trial. You will find, that whilſt Mr. Jackſon was in this Country, he was not ſeen by any body, as far as I can learn, except Mr. Cokayne, who will be called to you, and except Mr. Stone, whom it is clear he did ſee. Mr. Stone made ſeveral applications to a great many individuals in this Country, for the purpoſe of knowing their opinions with reſpect to the probability of ſucceſs if there was an invaſion of this Country. And here, Gentlemen, you will allow me to ſay, that amongſt thoſe whoſe names I have to mention in this cauſe, there are ſome for whom, undoubtedly, I have that reſpect which men of this Country in general have; there are ſome for whom, perſonally, I have a very great regard; but I will not diſguiſe in this place that I think the diſcretion of ſome of them was ſurprized, and I ſay no more.

Gentlemen, I think myſelf entitled to ſtate to you (making it evidence by what I ſhall repreſent to you preſently) that applications were made to ſeveral perſons by Mr. Stone; for what purpoſe, whether with an intention on his part—(for there might be an intention on his part very different from the intentions of thoſe to whom he applied)—whether with an intention on his part to benefit this Country, or to enable Mr. Jackſon to benefit that Country from which Mr. William Stone knew he came, with reference to this ſubject of an invaſion, you will judge: but you will find that he applied to a gentleman of the name of Vaughan, a very conſiderable merchant in the city, who is now abſent; and the endeavours on the part of the proſecution to bring Mr. Vaughan here as a witneſs may be given to you in evidence. The reſult of his communications with Mr. Stone are capable of being given in evidence, without perſonally calling him; and Mr. Vaughan entered ſo far into the conſideration of this ſubject, as to put into the hands of Mr. William Stone a paper, which I underſtand was found when a ſeizure of his papers was made, which I ſhall ſtate to you preſently,

ſently, and which paper you will ſee is in part the ground-work of ſome other papers ſent abroad, which I ſhall alſo ſtate to you preſently.

Gentlemen, you will likewiſe find that he converſed with another reſpectable gentleman of the name of Smith, Mr. William Smith, who will be called to you. Mr. William Smith put into his hands alſo a paper, which will be read to you, and which you will likewiſe ſee ſerved as part of the ground-work of thoſe papers that were ſent abroad. You will hear from Mr. Smith what he has to ſtate to you of the manner in which the communication was made to him and by him. I ſhall not prejudice the effect of that evidence by ſaying any thing at preſent upon it.

You will likewiſe find that applications were made, I think, to Mr. Sheridan; I think, to my Lord Lauderdale; and to a gentleman of the name of Wilſon. You will hear thoſe who are called ſtate to you the repreſentations which Mr. Stone himſelf made to them. If I am rightly inſtructed, and I think I cannot be erroneouſly inſtructed, conſidering the ſource of my inſtructions, it will be ſtated to you, that to ſome of theſe gentlemen this American was ſtated as a perſon who had ſome ſort of authority to make a treaty for peace, or to converſe with reſpect to a treaty for peace; to others of them it was ſtated that this gentleman had learnt from Mr. John Hurford Stone that he had been repreſenting to the perſons in power in France (with whom I ſhall ſhew you preſently he had a very ſtrong and powerful intereſt) the improbability of an invaſion into this Country being attended with any ſucceſs; that Mr. Stone in France had therefore become obnoxious to the ruling powers in the Government; and that it might be of very great uſe to his brother, if repreſentations could be ſent from this Country from perſons of weight and conſequence, which would confirm thoſe repreſentations which his brother had been ſo making in France of the general diſpoſitions of the people of this Country.

Gentlemen, you will find, and it is my duty to the public to call theſe gentlemen to prove that fact, that they, one and all of them, intimated (as ſoon as it was ſtated by Mr. Sheridan)

the impropriety of having any converſation with ſuch a man as Mr. Jackſon, who had come from France under ſuch circumſtances as were repreſented, though favourably repreſented; you will find that they, one and all of them, joined in this ſentiment, which one ſhould have thought no diſcreet perſon could have failed for a moment to have ſuggeſted to his own mind, viz. that, if this ſubject of an invaſion was mentioned, and which you ſee had been mentioned in theſe letters of Hurford Stone from the 22d of November, 1793, it was the duty of Mr. Stone (who, I again ſtate to you, as far as I can learn, made no communication to Government ſubſequent to the 22d of November, 1793, nor for a long period before it) to ſtate to Mr. Dundas, who was then the Secretary of State, the information which was ſo received, and to waſh his own hands of it. I recollect alſo that two other gentlemen, Mr. Towgood and Mr. Rogers, whom I take to be friends of Mr. Stone, joined in the repreſentation I have ſtated with reſpect to the imprudence and impropriety of holding ſuch converſation as this, excepting to that one perſon.

Gentlemen, after this had paſſed, ſeeing, as Mr. William Stone muſt have ſeen, what was the purpoſe of the enemies of this Country; and ſeeing, as he muſt have ſeen, in the correſpondence that I have before ſtated to you, that an invaſion into this Country was at leaſt meditated, ſo much, that a brother, ſettled there, had adviſed him to diſembarraſs himſelf of his partnerſhip concerns, and ſell his houſe at Old Ford—it will be for you to decide, and thank God that this caſe is in the deciſion of the Jury of the Country, who are able to correct, if there be any thing to be corrected, the impreſſions which caſes of this ſort may make upon thoſe whoſe duty it is to proſecute—it will be for you to decide, from the whole of the tranſactions of this caſe, the poſſibility of an innocent intention on the part of the gentleman who ſtands at the bar.

Gentlemen, I will now read to you two papers, which were found in the poſſeſſion of Mr. William Stone, the one ſupplied by Mr. Smith, the other ſupplied by Mr. Vaughan; and I ſhall then read to you two other papers, which I have no doubt

I ſhall be able to make evidence in this view; namely, that if they appear clearly to be papers written by Mr. Jackſon, after I have proved Mr. Jackſon and Mr. Stone together, ſo as to be able to introduce Jackſon's acts; and, if they are proved to be papers which are grounded upon thoſe very papers that were found in Mr. Stone's own poſſeſſion, I ſay, then, they are neither more nor leſs, without more evidence, than a further act done by Mr. Jackſon in the proſecution of the conſpiracy charged, done by one of the parties concerned; but I ſhall go further than this, becauſe I ſhall call the Secretary of State to prove another fact. I am ſure it cannot be expected, and I think it will not be ruled, that a Secretary of State ſhould, where he cannot, conſiſtently with the intereſts of his Country do ſo, ſtate particularly how a paper was ſent to him from abroad, but that he may be allowed to prove generally that, through his official correſpondence, he had actually received a material paper from abroad. You will have evidence of this ſort from the Secretary of State, that not only the papers were written to be ſent abroad, but that they actually were ſent abroad in purſuance of that intention.

Gentlemen, I proceed now to ſtate to you the ſubſtance of theſe papers, which I have repreſented to have been found in the poſſeſſion of Mr. William Stone, and to be the ground work of thoſe communications, which you will find were afterwards made to France in the hand-writing of Mr. Jackſon, and I ſhall then lay before you the correſpondence which paſſed between Mr. William Stone and the brother, pending theſe enquiries in England relative to theſe papers, one duplicate of which I hope you will be ſatisfied, arrived at the place of its deſtination.

One of theſe papers is as follows—" Excluſive of poſitive " information of the temper of the Country, it may be known " by people at a diſtance by the following ſigns." This paper is furniſhed by Mr. Vaughan. " There are no petitions againſt " the war; there are courtly verdicts given by Juries, with few " exceptions; there are no mobs, though much diſtreſs; there " is much readineſs to enliſt as ſoldiers; there is much quiet-

" neſs

" neſs on being impreſſed on the part of ſeamen." You will ſee preſently by a letter, found in the poſſeſſion of Mr. William Stone, what information his brother told him, as early I think as the beginning of 1793, or the latter end of 1792, he had given Briſſot and other perſons in power at that time in France with reſpect to that circumſtance of the readineſs of impreſſing ſeamen—" There is much quietneſs in being impreſſed on the " part of ſeamen; the votes of Parliament are nearly unanimous, " though the Parliament has run through half its length, and the " members of the Houſe of Commons look to their re-election. " The ſtability of Lord Chatham"—then firſt Lord of the Admiralty of this Country—" continues in defiance of all his " neglects; terror pervades the friends of liberty, who would " ſoon ſhew a different appearance, if they were countenanced " by the majority of the people."

You will find in one of theſe (for there is a duplicate of theſe papers) there originally ſtood this paſſage, of which, though attempted to be eraſed by a pen, the words are ſtill extremely viſible. After the paſſage I read—" Terror pervades the friends " of liberty, who would ſoon ſhew a different appearance, if " they were countenanced by the majority of the people," the words were, " Seeing there are no regular troops in England " but Militia, and a few Cavalry, who are ſtationed near the " coaſt only." " The temper of England is in favour of the " firſt French Revolution, but not of the ſecond; however, " on the whole, it ſhews ſymptoms of being adverſe to the " preſent ſituation of the war, not from diſliking its principles, " but from ſeeing little profit in it; at the ſame time that they " think its main object unattainable; namely, the overthrow of " the preſent French ſyſtem. They would be more earneſt for " peace, had they either ſuffered enough, or did they think the " preſent French Government ſincerely diſpoſed to peace. There " are many perſons attached to the principles of the French Revo- " lution in England, if they are reckoned numerically, but they " are as nothing compared to the great maſs of the people, who are " indiſpoſed to them. In Scotland the proportion of Democrats " is increaſing, but they are as yet but a ſmall minority. Ireland

" will

" will follow the democracy of Scotland, but will remain quiet " at preſent; each of theſe countries wants time only to con- " vince itſelf in its own way; but it will not be convinced by " French principles, and ſtill leſs by a French invaſion."

In one of the papers is this paſſage, that is omitted in the other. " With the ſame eaſe with which France furniſhes a " Navy of ſixty-eight ſhips, England could furniſh twice that " number; ſhe would, beſides this, borrow ſhips from Hol- " land, Spain, and Portugal, and man them with a mixture of " landſmen and foreigners."—" If France were to invade " England." Here the two papers are the ſame—" Every " man would turn out from good-will, or from fear, and the " few, who are diſcontented, would be quelled with eaſe, as " the French Citizens were by La Fayette in the Champ de " Mars, or the diſaffected lately by the Commiſſioners in " Alſace.

" Wars being but the means of attaining peace, and the well " meaning among the ſubjects of the confederates being told " that the French are ſo adverſe to peace, or aſk ſuch prelimi- " naries that it is in vain to treat with them, it would be highly " uſeful if France declared, after any new ſucceſſes, which ſhe " may hereafter obtain, her averſion to conqueſt, her diſpoſition " to peace." And then in one of the papers you will ſee, though in ſome degree eraſed, theſe words—" And the terms " on which ſhe would treat, if theſe were moderate, magna- " nimous, it would have a wonderful effect on the people of " this Country, in creating an averſion to the war—liberating " the unaccuſed Engliſh by a decree reſtoring to them their pro- " perty, and giving them leave to depart."

Then the papers again are the ſame, when they proceed—" Her deſire to let other nations govern themſelves; her deter- " mination of changing this ſyſtem, if the war againſt her is " continued, and it would be uſeful alſo, if every convenient " opportunity were taken of declaring that her preſent Govern- " ment is revolutionary, and that the Conſtitution of June laſt " will be acted upon at the peace; and alſo, if ſhe declared her " regret at the neceſſity of uſing harſh meaſures, and now and

" then

" then employed philanthropic language, which has an aſto-
" niſhing effect in pacifying the Engliſh, and indeed in pacify-
" ing Europe."

Then follows in the one—" It would tend much to conci-
" liate the minds of the Engliſh, were the Convention to de-
" cree the liberation of all the Engliſh now in a ſtate of arreſt,
" unaccuſed of crimes, and reſtoring to them their property,
" at the ſame time allowing them to leave the Country, within
" a certain ſpace of time. It would tend alſo much to
" create an averſion to the war, were the Convention to decree
" the terms on which they would make peace. This conduct
" would be magnanimous, and if they did not hold out terms
" extravagant, the people of this Country would not heſi-
" tate to ſpeak their averſion to a continuance of the war.
" It would be very adviſeable to have copies of the more
" important reports and decrees lodged at Havre to come hither
" by neutral veſſels for the purpoſe of being tranſlated."

In the other it ſtands thus—" The great objection in the
" Engliſh to treating for peace, lies in the fear that the pro-
" poſal will be rejected by France, particularly without ſome
" ſtrange preliminaries are acceded to, ſuch as acknowledge the
" ſovereignty of the people, &c. &c. They ſuppoſe too that
" France cannot treat for peace till the French territory is
" cleared of its enemies, whereas the Conſtitution only ſays
" that peace ſhall not be concluded without it. Query, Does
" not the forced loan allow the lender to take lands in exchange
" for his debt." Then it follows—" There could be but one
" line of conduct for Engliſhmen to purſue ſhould the Country
" be invaded on ſuch an occaſion, there would be but one mind
" through the whole nation, they muſt defend it."

The other paper, which contains the ſentiments that I am about to ſtate to you, Mr. Smith will inform you that he furniſhed, and he will ſtate to you under what circumſtances. " Dear Sir," (this is in the form of a letter to Mr. William Stone) " I was a good deal ſurpriſed the other day, at the " degree of credit which you appear to give to the rumour of a " French invaſion, but as I know many are of your opinion,

" and

" and many more affect to be ſo, I feel deſirous of ſtating to
" you the reaſons why I cannot but diſregard any ſuch appre-
" henſions. In the firſt place, nothing appears to me more
" clear, than that thoſe who are now at the head of affairs in
" France, are too wiſe to make ſuch an attempt without a
" proſpect of ſome advantage, adequate to the riſk which muſt be
" incurred by both the army and the fleet employed in the ſervice;
" and this advantage, I ſhould think, muſt be ſomething more
" than merely the burning of a few towns and villages (ſup-
" poſing even that to be accompliſhed) or the creation of a tem-
" porary alarm. From general hiſtory too, and yet more
" ſtrongly from their own recent experience, muſt they be
" aware of the difficulty of a hoſtile army's making any laſting
" impreſſion on a people unwilling to receive them, and eſpe-
" cially on an iſland in poſſeſſion of a ſuperior navy and which
" can at any time call other fleets to its aſſiſtance.

" If all this be true, it is ſcarcely reaſonable to expect ſuch
" attempt, unleſs the French flatter themſelves with the hope
" of co-operation on this ſide; an expectation, as far as I am
" able to judge, ſtill leſs likely to be realized, than even that
" of ſucceſs without it. That numbers here are diſguſted with
" the war, I have no reaſon to doubt, but no ſymptoms have
" yet appeared of any general diſapprobation of Government;
" on the contrary, Miniſters ſeem to have been ſucceſsful in
" raiſing a ſtrong ſpirit of attachment to every branch, I might
" almoſt ſay, to every abuſe of the Conſtitution, nor do I
" think it poſſible for any man, who impartially views the ſtate
" of things, and of parties in this Country, to expect any other
" effect from an invaſion than an almoſt univerſal riſing of
" the people to defend themſelves againſt an attempt, which
" they would conſider as levelled at their Conſtitution and
" Liberty, and which they would, therefore, execrate and
" reſiſt, as much as the French did the Duke of Brunſwick's
" irruption.

" Much has been ſaid of the progreſs of French principles
" here; if by this be meant no more than that at one time the
" opinion was rapidly ſpreading of the French Revolution,

" having

" having a favourable aſpect on the happineſs of Europe, and " of mankind, I firmly believe it, and I believe alſo that a " pretty general perſuaſion alſo prevailed of the exiſtence of " ſuch abuſes in our own Government, as required a reforma- " tion ſpeedy and effectual, partly, however, from natural cauſes, " and partly from artifice, I am convinced that theſe opinions have " much decreaſed both in force and in extent, and that, though " the tide may turn, yet that it is not by an invaſion that ſuch a " Revolution would be brought about; we ſhould only wrap " our cloak tighter around us, like the man in the ſtorm, and " refuſe every offer of fraternity, which came in ſo queſtionable " a ſhape.

" Sincerely wiſhing for peace, and thinking that theſe ru- " mours of invaſion are induſtriouſly circulated with a view " of exaſperating the people, and of rendering them more in " earneſt for the war, I ſhould be very deſirous of ſtating " publicly in Parliament every idea I have here communicated " to you, if I did not know that my general attachment to the " cauſe of liberty, and the ſatisfaction which I have repeatedly " expreſſed at the overthrow of deſpotiſm in France, have ren- " dered me, to a very conſiderable degree obnoxious, and ex- " poſe my ſentiments to miſrepreſentation of the moſt invidious " kind. I truſt, however, that a more pacific and liberal temper " will prevail."

Gentlemen, theſe having been received by Mr. Stone, you will find from what I am now about to ſtate to you, that they were communicated to Mr. Jackſon, and the uſe that was made of them, you will find in other papers I am now about to men- tion to you. The papers which Mr. Jackſon ſent, though grounded upon the papers which Mr. Stone furniſhed, are papers that may ſuggeſt obſervations, as applying to perſons to whom few men can think them juſtly applicable, and to whom they are not juſtly applicable; but it is natural that perſons who come over here for ſuch purpoſes, as Mr. Jackſon unqueſtion- ably came over here for (whether with Mr. Stone's knowledge he ſo came, it is for you to judge upon the evidence) it is of courſe that they ſhould wiſh to give importance to their com-

 munications.

munications. In making communications, therefore, they carry the matter further than the truth will juſtify. The firſt I produce to you is dated 18th of March, 1794, and you will have reaſon to ſee that this letter of the 18th, is a duplicate.

" Leſt a duplicate of the encloſed papers may not have reached " you. I now tranſmit another copy." You will ſee, by and by, that in a letter from John Hurford Stone to William Stone, he ſtates, " that he had received one of the papers," and it muſt be left to you, upon the whole matter of the evidence, whether it was or not that one of the papers ſo received, which formed the duplicate of what I am now reading. It goes on thus—" As I have written to you by every channel, and not " through one received a line in anſwer." This is in Mr. Jackſon's hand-writing, and in the ſame hand-writing as the direction left at Hull for Mr. Cokayne, and then it again proceeds " —You may naturally ſuppoſe I do not feel myſelf altogether eaſy " in my mind, particularly as certain enquiries are making re- " ſpecting me in a quarter unfavourable to your views and " mind. I ſet out this evening for your native ſoil." Gentlemen, you will ſee preſently, perhaps, reaſon to ſatisfy your conſciences that this letter was addreſſed, attending to this paſſage, to a perſon of the name of Nicholas Madgett, who becomes a very important character in the drama of this buſineſs. The letter then proceeds—" And during my abſence the " relative of our common friend will do every thing his recti- " tude of principle, and good heart ſhall direct. I truſt that " my laſt letter gave you a thorough inſight into the temper of " the people of this Country, ſo as not to leave you any ground " to ſuppoſe that they would favour the French in any of " their hoſtile views on our iſland; your friends in Amſterdam" —(you will attend to the colour of this letter, becauſe nobody can doubt of the errand on which Mr. Jackſon came here, and yet you will obſerve the face of this letter is all loyalty to this Country)—" your friends in Amſterdam may be perfectly ſafe " on that head, not but that there are many here, who are " ſurprized that the French, if they really intended a deſcent, " have not effected it to the northward of the Downs, where as

at

" at Shields, Newcaſtle, and other places, there is nothing to " oppoſe them; they might deſtroy the coal works with the " greateſt eaſe, if they ſhould not chuſe to keep their landing; " ſhame on the neglect of our Miniſters in not better defending " the coaſt. You aſk my opinion on the hope of ſucceſs en- " tertained by Miniſters here. I know you to be a ſtaunch " friend to England; yet I will not deceive you: from what I " can collect, the chief dependence of Miniſters here for ſuc- " ceſs, is on ſome machinations, formed in conjunctions with " agents in their pay, to throw all into confuſion at Paris. In " the Government department, a perſon with whom I converſed " yeſterday, and who has an intereſt in the True Briton, a " paper ſet up by Government, told me, that in leſs than a " week, all Paris would be in anarchy—that Robeſpiere and " his party would be ſent to the devil, as thoſe, who would put " every thing to rights, had got hold of the people. It is not by " campaigning, but intriguing, that we muſt prevail: on this " principle aſſignats are forging every day here, and I will en- " deavour in my next to ſend you ſome, that you may know the " true from the falſe: a Madame Beaulieu, whoſe huſband they " tell me is at Paris, and who, when here, paſſed for a flaming " Democrat, has circulated to the amount of ten thouſand pounds " worth;" and ſo he goes on.

Without going through the whole of this, you will find when it comes to be read, that it is of the ſame tenor and effect, as that paper which was found in the poſſeſſion of Mr. William Stone. Then here is another paper, which is, as preciſely as poſſible, a copy of the letter of Mr. Vaughan, and a copy of the letter of Mr. Smith, but containing alſo ſome obſervations upon both; and it ends with, " encloſe it to Mr. Parkins, at Mrs. " Brown's, Globe Tavern, Hamburgh. He will give it me if " I am there, or forward it; look for my letter of laſt Tueſday. " Remember me, my good Sir, to our common friend; may we " ſoon again meet at the Engliſh houſe, Amſterdam." Gentle- men, you will keep in your recollection the fact that theſe papers contain, with additions very worthy of attention, the ſubſtance what I before read at length.

Now,

Now, the papers I have read at length, having been put into the poſſeſſion of Mr. William Stone, Mr. William Stone having been cautioned, as, if I am rightly inſtructed, it will be proved to you, he was cautioned with reſpect to this Mr. Jackſon; knowing, as I think you can have no doubt from the letters I have ſtated, that Mr. Jackſon came over here, though upon affairs of various ſorts, as ſome letters expreſs; which affairs muſt be explained on his part; yet unqueſtionably alſo to enquire into the practicability of an invaſion, as appears from the letter with reference to an invaſion, in reſpect of which Mr. Hurford Stone had directed him to diſembarraſs himſelf from his concerns in this Country, and get rid of his houſe at Old Ford. The firſt thing to be accounted for, and which places Mr. William Stone in a very different ſituation from thoſe gentlemen, by whom, at his inſtance, thoſe repreſentations were made, is this: Why did he, thus cautioned, and without any communication with thoſe gentlemen, put into the hands of Mr. Jackſon, knowing what he knew of Mr. Jackſon, the means of communicating the effect and ſubſtance of theſe papers abroad? It will be proved to you that they were ſo communicated.

I will now read to you the correſpondence of John Hurford Stone, written during theſe tranſactions. You will find that a letter is received upon the 15th of March, in which he ſays, "My dear Sir," (this is from Hurford Stone again, addreſſed to Lawrence and Company) "I have this moment received your "letter of the 4th of March, in which you inform me that you "have ſeen Mr. J. and very prudently deſiſt from any but "general obſervations." Then follows a paſſage, material in two or three points of view; it is material to call your attention to it on behalf of the priſoner; to call your attention to a conſtruction of it alſo (which it will be for you to judge whether it be the right conſtruction of it) on the part of the public. He ſays, "it is very poſſible that you may correct his views." The Counſel of Mr. Stone will ſay, that this was all done by Hurford Stone, to enable Mr. William Stone to correct the views of Mr. Jackſon with reſpect to an attempt of the French to invade England, and ſo to prevent invaſion, and to benefit Eng-

land; but this is clear, that Mr. William Stone could not correct thoſe views without knowing what thoſe views were: he muſt know therefore an invaſion was intended, if it was to be left to you to decide from all the evidence, whether thoſe views were to be corrected at the deſire of Hurford Stone and Jackſon, for the benefit of France, or for the benefit of England; I ſhould ſay, that intelligence communicated, under which intelligence it is meant that the enemy ſhould profit, is intelligence to aid and aſſiſt the enemy, and ſuch as cannot be ſent without incurring the guilt imputed by this indictment. But I ſay further, that the expreſſion, "correcting his views," muſt be conſidered with reference to all that was intended, as intention has been proved from evidence already ſtated, and as it may be collected from evidence which I am going by and by to ſtate; and eſpecially from the correſpondence between Enots and Popkins, of the exiſtence of which, if I am rightly inſtructed, the priſoner at the bar even denied his knowledge. The letter I was ſtating proceeds thus, "I ſuppoſe we ſhall hear from him in due time, as "he will have the means of ſending: he has no doubt commu-"nicated to you all that was expedient." You recollect, Gentlemen, John Stone told William, in a former letter, that he was to be conſulted by Jackſon upon the plan. He adds, "and "I truſt to him for the means of re-communication."

Upon the 30th of March, 1794, there is another letter, in which he ſays, "I have alſo received our American friend's let-"ters, and you muſt tell him, that, having given them to the "proper people, he muſt in future addreſs his friend Nicholas, "and not me." The word *Nicholas* will be explained by a ſubſequent part of this evidence.

Now, Gentlemen, if Mr. William Stone, under the circumſtances of caution, which I have before ſtated to you he received, thought it proper to furniſh Mr. Jackſon with the means of making the communications to France, when he received this letter, one ſhould have thought that he would have deſiſted; that he would at leaſt have enquired who this Nicholas was, to whom theſe letters were to be ſent in future. If Mr. William Stone can ſatisfy you that he did ſo, I am ſure I ſhall thank God

when I hear the evidence; but it is my duty to call your attention to all the circumſtances in this caſe, and I profeſs I do not ſee my way through them at preſent.

There is another letter of the 8th of April, 1794, from Mr. John Hurford Stone: "We have received your late letter re-"lating to the late act to prevent payment of bills for the uſe "of perſons in France." You will ſee by and by, though this is not material upon this record, not being there charged as a crime, that that act certainly did not prevent Mr. William Stone from furniſhing Mr. Jackſon with money, for the purpoſe of going to Ireland, though that Mr. Jackſon had certainly come from France. The letter proceeds thus, "The packets you "allude to have not yet been received, and we know not where "they reſt. I have given all the information which I could on "the ſubject, but do not chooſe to trouble myſelf too much. I "wrote to you a poſt ſince, to deſire you not to write to me, "as I did not know exactly where I ſhould be." He ſays, in another place, "As to our American friend, the account I gave "was very ſatisfactory, and to myſelf highly uſeful." Very ſatisfactory! to whom ſatisfactory? "To the proper people, to "whom it had been delivered." Perſons who had clearly entruſted Mr. Jackſon with a miſſion into this Country, to know whether this Country could be invaded or not, ſatisfactory to them? It could be ſatisfactory to *them* for no other reaſon, but becauſe it arreſted that invaſion, which was intended at the time, at which this communication was made, and becauſe it informed them that, if they had taken the meaſure which they propoſed to take, the unanimity, courage, and firmneſs of Engliſhmen, would have defeated that meaſure, and have made the project abortive. He proceeds, "and to myſelf highly uſeful; but it is "ſtrange that his relations hear nothing from him. I would "rather that he did not write to me ſo much on the ſubject." Now this letter ſtates to Mr. William Stone, that he would rather Mr. Jackſon did not write to him, Hurford Stone, ſo much upon the ſubject, and yet that very Mr. William Stone, as you will ſee afterwards, correſponds with this perſon, whom his brother is unwilling ſhould be his correſpondent, in the

names of Enots and Popkins, with reſpect to the ſtate of Ireland, as I ſhall ſubmit to you, for the purpoſe of enabling a communication to be made of the ſtate of Ireland to the French. He proceeds again thus; "Our friend you tell me is gone to Ire- "land, the buſineſs he ſpoke to you on."—Now it will be for Mr. William Stone to explain what this buſineſs was; but, after hearing the paſſage I have juſt read, I think you cannot doubt what it was—"the buſineſs he ſpoke to you on is interrupted by "this paper, which you ſent me; however, it may produce very "beneficial effects." Then at the bottom there is, "Encloſed "is a letter to Rowan." When you come to ſee preſently what paſſed in Ireland, and with a gentleman of the name of Hamilton Rowan, you will ſee the materiality of this.

Upon the 21ſt of April, 1794, another letter is written, which is to this effect; "The accounts which we received from "you"—and this expreſſion, which follows, will deſerve your particular attention, becauſe it is an expreſſion ſo perfectly ſimilar to thoſe which are contained in the letters to and from Ireland, that it ſeems to me impoſſible but that the phraſeology, in which theſe perſons were to correſpond, was known in Ireland, in England, and in France, at the ſame time. "The ac- "counts which we received from you reſpecting the houſe con- "cerns, which your American friend has talked to you on, has "given much ſatisfaction, though they hoped to have had ſome- "thing more favourable. It is ſtrange that we hear nothing "further of the arrival of Mr. I. an acquaintance from Boſton "told me a few days ago his journey was retarded. The ſhip- "ping buſineſs is under conſideration, and you will hear from "us."

Gentlemen of the Jury, theſe letters paſſing, Mr. Jackſon ſet off for Ireland, I think, upon the 23d of March, and arrived in Ireland upon the 1ſt of April. Mr. Jackſon, you ſee, according to the repreſentation of him that has hitherto been made in this correſpondence, was to come into this Country to do a great deal of buſineſs, of ſome ſort or other—he was repreſented to every body as an American merchant, not being ſuch, but an Iriſh clergyman. If he had had a great deal of commercial

buſineſs

buſineſs here, one ſhould have thought that he could not be deſtitute himſelf of the means to take him to Ireland; and yet, upon the 15th of March, 1794, Mr. Jackſon ſettles an account with Mr. Stone, and receives from him fifty pounds in caſh, and two bills upon Ireland, one for twenty pounds, the other for twenty-five pounds, and with this money, paid to him directly contrary to an Act of Parliament too, which prevents the payment of money to any perſon coming from France (and the policy of which Act, by the way, is a little ſeen in the preſent caſe) he goes to Ireland—but he does not go to Ireland without leaving in the hands of that Mr. Stone, who had received all theſe cautions, a ſmall, but an exceſſively important paper. I hope to God that it can be explained, but it deſerves your moſt particular attention—he leaves in his hands addreſſes for making communications abroad, viz. the papers, which I now produce. They have each upon them a croſs, in the form I ſhew you. The addreſs of one is, "To Monſieur Dandibuſcaille"—the outward cover to be thus addreſſed—"Meſſrs. Texier Angely et Maſſac, "a Amſterdam." The other has a croſs in the ſame form—the outward cover to be thus addreſſed—"To Mr. Chapeaurouge, "merchant, Hambourg"—and at the bottom of each there is a direction to inſert a recommendation to forward the encloſed—You will ſee that theſe were directions that were left in the hands of Mr. William Stone, to enable him to addreſs letters abroad, and when you come to ſee the letters, which were forwarded from Ireland, and to ſee them unfolded, you will find that they were addreſſed by Mr. Jackſon, in Ireland, preciſely according to this paper found in the poſſeſſion of Mr. Stone, in England; and in that correſpondence between Enots and Popkins, which I have before referred to, Mr. Jackſon, under the name of Popkins, writes to Mr. Stone, who anſwers his letter under the name of Enots, reſpecting theſe addreſſes, in the manner which I ſhall preſently ſtate to you. You will alſo obſerve that there are croſſes upon the covers of the letters, that will be produced by the Secretary of State, as received from abroad, which appear to have been ſent from England.

Gentlemen, that Mr. Cokayne, whom I have before men-

tioned, and under cover to whom you will find Mr. William Stone addreſſing a letter, received by him from abroad, to Mr. Jackſon, whilſt Mr. Jackſon was in Ireland—a letter received from that Nicholas Madget, who has been named; that Mr. Cokayne, to whom letters are thus addreſſed in the hand-writing of Mr. William Stone himſelf, accompanied Mr. Jackſon to Ireland; and you will have an account from him of the tranſactions of Hamilton Rowan, and the tranſactions of Mr. Jackſon, as far as they can be given in evidence, with reſpect to their communications relative to the ſtate of Ireland; to which Ireland Mr. Jackſon went with the privity, as it appears, of Mr. William Stone, after Mr. William Stone had been cautioned upon the ſubject of his miſſion, in the manner in which you have already heard he had been cautioned reſpecting it. Mr. Hamilton Rowan, in fact, it will be proved, was committed, or about to be committed, for High Treaſon, and he abſconded. Mr. Jackſon was tried for High Treaſon, and was convicted: he was not executed, but he died: it is to no purpoſe, perhaps, to ſtate by what means, or how, but in fact he died before the time at which he would probably have been executed.

But, Gentlemen of the Jury, the moſt important papers are now to be ſtated to you; and, with reference to which, I can only ſay again, that I hope in God they will be accounted for. Mr. Jackſon, having got to Ireland, he writes this Letter, which I am now about to read to you, to Mr. William Stone, the priſoner, dated the 5th of April, 1794; and, if Mr. Jackſon and Mr. Stone ſhall once be connected by the general tenor of the evidence, you muſt put it to your conſciences, in making deliverance between the Country and Mr. William Stone, whether it be poſſible, according to the nature of human things, that Mr. Jackſon could write this letter to Mr. Stone without Mr. Stone's full knowledge of the purpoſes of Mr. Jackſon's miſſion: it is ſigned Thomas Popkins: it is in the hand-writing of Mr. Jackſon: there is no addreſs upon it: the addreſs happened not to be found.

" Dear Sir—Owing to a variety of incidents, which I will " explain when I have the pleaſure of ſeeing you, I have been

" pre-

" prevented writing until the preſent moment. Some very ex-
" cellent friends, to whom I owe moſt ſingular obligations,
" being apprized of my arrival, have endeavoured to tender me
" ſervice; and were their power equal to their wiſhes, I am
" confident I ſhould experience the benefit of their good inten-
" tions: accepting, as I do, the will for the act, they have a
" claim on my gratitude. I requeſt, my dear Sir, that you
" will dedicate an inſtant, on the return of the poſt, in acknow-
" ledging the receipt of this letter; and, if you have any letters
" from the family at Shields, which regard their affairs in this
" Country."—It will be for Mr. Stone to explain theſe letters, to repreſent what were the affairs which the family of Shields had in Ireland—the letters with reſpect to which Mr. Jackſon had a hope were to be received, and to be tranſmitted——He proceeds thus—" you cannot too ſoon encloſe them to me, as
" the aſſizes at Cork are about to commence." You would ſuppoſe, from what I have read, that this was relative to ſome law ſuit that ſome family at Shields had, which was to be tried at the aſſizes at Cork.—This will alſo be to be explained to you by the priſoner. The letter then ſtates—" In the courſe of a
" very few days I will give you ſome information reſpecting the
" bills which you commiſſioned me to preſent. I hope your
" lady enjoys better health; and, with very ſincere wiſhes for
" her and your happineſs, I requeſt you to believe me your real
" friend, Thomas Popkins." Now how Mr. Jackſon came to write about the family at Shields, and the affairs at the aſſizes at Cork, in the name of Thomas Popkins, to Mr. Stone in London, and yet that Mr. Stone ſhould miſunderſtand his real intentions, I confeſs it is beyond any power of imagination that I have to ſuggeſt. He proceeds again thus—" I muſt requeſt
" you"—Pray attend to this, Gentlemen—" not to make uſe
" of any of the addreſſes I left you"—I have produced thoſe addreſſes—" the price and nature of the articles being entirely
" changed." Now I ſay again it will be for Mr. Stone, and God grant he may be able to do ſo, to ſatisfy you why he was not to write according to thoſe addreſſes, in conſequence of the price, and nature of any and what articles being entirely

changed. With reſpect to Mr. Cokayne's part in the tranſaction, you will ſee how his account is confirmed by every paper that is produced. The letter contains this paſſage—" You will " have the goodneſs to encloſe your letter or letters to me un- " der a cover, thus directed, John Cokayne, Eſq. Hyde's " Coffee-houſe, Dame Street, Dublin."

Gentlemen of the Jury, if Mr. William Stone's indiſcretion had been ſuch as never reſided, conſidering its magnitude, in the breaſt of any indiſcreet man before—if it was not checked by the advice given him, which I have ſtated to have been given to him in the beginning of this buſineſs, when that Mr. Jackſon, with reference to whoſe proceedings in this Country no information was given to Government, had gone to Ireland, with the knowledge of Mr. William Stone, what, if he did not know Jackſon's purpoſes, muſt have been his conduct? Could he have received a letter, thus enigmatical in the terms of it, thus incapable of explanation by any human being, that had not before known the circumſtances, the knowledge of which would lead to the true explanation of it? What would he have done? Would he have anſwered ſuch a letter as Mr. Jackſon's, written in the name of Thomas Popkins? Mr. Stone, however, writes an anſwer in the name of William Enots, which you ſee is his own name backwards, directed under cover to Mr. Cokayne, to whom Mr. Thomas Popkins, being in fact Mr. Jackſon, the clergyman, in Ireland, had ſo directed him to addreſs himſelf. Does he complain in this letter that he does not underſtand this communication? Gentlemen, attend to his letter in anſwer: it is this—" Dear Sir, I yeſterday received yours of the 5th in- " ſtant; I am happy you find yourſelf ſo agreeably ſituated " where you are. I have received no letter for you; but the " day after you left me I received one to ſay your firſt letters " were received." I call back your recollection, Gentlemen, to one of thoſe letters from John Hurford Stone, in which he acknowledges that this firſt letter had been received, and which had given great ſatisfaction, though not ſo much as they wiſhed. He then ſays—" I have received another ſince, in which mine " was acknowledged." Now, Gentlemen, if Mr. William Stone,

Stone, under the name Enots, tells Thomas Popkins that he had received this letter, and that he had received it from France, what are we to ſay to this family affair at Shields being diſcuſſed at the aſſizes at Cork, when you ſee that the letter that he refers to in this of April the 11th, 1794, has a direct connection with a letter ſent from Hurford Stone previous to that letter of the 11th of April, 1794, the fact of receiving which he has here acknowledged in that letter of the 11th of April?—"I have re-"ceived another ſince, in which mine was acknowledged." You recollect that I ſtated a letter which acknowledged his "which I wrote the poſt after. Gillet was with us, but no "mention was made of any other. I have not made uſe of "what you left with me"—That is, the addreſſes.—"What "a wonderful change there is in the family!" Is this the family at Shields? What family at Shields is it that has theſe affairs at the aſſizes at Cork? What family is it that there is a change in, which Mr. Stone could deſcribe in ſuch enigmatical terms, if Mr. Stone was acting with any ſuch intention as my friends will, by-and-by, be to contend—I hope ſucceſsfully, if the caſe will bear them out in it—that he was acting with throughout this buſineſs? He proceeds—"What a wonderful "change there is in the family! will it tend to good? I con-"feſs I think better of it now than before. I want what you "poſſeſs, a knowledge of the ſeveral branches of it, to form a "proper judgment of their conduct in the laſt fracas." Now this is ſome family, with reference to which it is clear, from this letter written by William Enots, that he and Mr. Jackſon muſt have had a great deal of converſation, and in conſequence of that converſation he muſt have underſtood that Mr. Jackſon knew the detail and particulars of their circumſtances. Jackſon muſt have ſatisfied Stone that he underſtood the detail and particulars of thoſe circumſtances, of which Stone ſtates in this letter that Jackſon knew ſo much more than he did. Nobody can doubt what this related to, who knows much of the hiſtory of France about that period. We recollect that change which took place in conſequence of Danton and others being removed about this time from the Government; and this is the

change,

change, I ſubmit to you, that is here alluded to. The letter then proceeds—" Political affairs ſeem taking a ſtrange turn, if " we take into our view the great whole. I ceaſe to wonder at " any thing; we ſeem, I think, to be the only party reſolved to " go on with vigour; the King of Pruſſia publicly avows his " diſinclination, and I think the French, as well as the Emperor, " ſhew it by their inaction. But to what can the proſcription " now going forward in Paris tend?" Now, when Mr. Stone ſpeaks about Paris and the proſcription at the end of the letter, what does he mean by *family* in the beginning of it? Or why uſe the term family, as ſuggeſted in the letter by Mr. Jackſon, and as connected with a family in Shields, unleſs he meant to diſguiſe the ſubject he was writing about? He then ſays—" I " really feel a kind of awe in thinking on thoſe ſubjects, and " ſee every day new matter to aſtoniſh me. We are all tolerably " well. Yours, moſt truly, W. Enots.

" P. S. Since writing the above, I have received a letter, in " which is—I have received our friend's letters; and you muſt " tell him that, having given them to the proper people, he " muſt, in future, addreſs his friend Nicholas, and not me."

Now, if this communication had only a connection with the individual ſituation of Mr. John Hurford Stone in Paris, why were the addreſſes uſed for letters prior to this, which had been addreſſed to John Hurford Stone, and repreſented as relating only to the particular ſituation of Hurford Stone, why were the addreſſes of thoſe letters to be changed in future? William Stone, under the name of Enots, adds—" I feel particularly " happy that the ſeveral letters have been received; and, I truſt, " that, even in the peculiar circumſtances of the family, they " will produce proper effects."

Gentlemen, whilſt Mr. Jackſon was in Ireland, as you ſee that he had deſired that Mr. William Stone ſhould tranſmit to him any letters that came from abroad, ſo you will find, in point of fact, that the letter, which I am about to read, coming from abroad, he did tranſmit it to him, and he tranſmitted it to him again under the feigned name of Enots.

Gentlemen, this, like the others, is addreſſed by Mr. William Stone

Stone to John Cokayne, Eſq. Hyde's Coffee-houſe, Dame Street, Dublin. It is in an encloſure to this effect—" I re-" ceived the encloſed to day: I have not heard ſince I laſt wrote " to you. I am yours truly, W. Enots."——" To Mr. " Thomas Popkins." The letter contained in it is a foreign letter, directed—" To Mr. Johnſon, at Meſſrs. Laurence and " Co. Rutland Place, Thames Street, London." You will find that this Mr. Jackſon is ſometimes called Mr. Johnſon. This letter is ſigned N. M.: it is a letter that plainly comes from abroad, and was tranſmitted to Mr. Jackſon; the contents of it are theſe:

" My dear friend—I have received your different letters, but " could not anſwer them ſooner for want of a proper opportu-" nity: all your friends here are very glad to find you are ſafe " arrived after your long and diſagreeable jaunt through Wales:" This is all full of enigma—" they alſo rejoice to hear that Mrs. " Harris is likely to do well in her buſineſs; they are ſenſible " that the funds ſhe ſets up with being but trifling, ſhe can't " expect to do great matters in the beginning, but they are ſo " convinced of her induſtry and cleverneſs, that they are willing " to aſſiſt her as far as they are able; they, therefore, will take " the firſt opportunity that offers to ſend her ſuch a ſortment " of millinery goods"—a very ſtrange ſubject to write to a clergyman in Ireland upon—" as will enable her to ſet up a " very handſome ſhop; in the mean time ſhe muſt make friends, " and ſecure as many good cuſtomers as ſhe can; this was my " advice to her when laſt I ſaw her, and her friends requeſt that " I ſhould here repeat it. The two friends ſhe mentions have " not reached this place yet; when they do, you may depend " upon my ſhewing them all the civility in my power." You will ſee from the evidence that this means, clearly and diſtinctly, perſons who were to go from Ireland, in conſequence of this conſpiracy, to communicate by word of mouth that which could not be ſo ſafely communicated by letter; namely, the particular circumſtances which made it adviſeable for the French to invade Ireland rather than England. The letter then proceeds—" I ſhall " take care to introduce them to ſome very good company of

" this

" this neighbourhood, as ſoon as Mrs. Harris has prepared every " thing for her new eſtabliſhment in London, I think ſhe would " do well to take a trip to Dublin, and ſtrive to raiſe there the " little money that is due to her. Not one of the letters men- " tioned by her as directed from London to Mr. Horn is come " to hands, yet this mode of conveyance muſt not be neglected, " but let her at the ſame time write to Mr. C—— or to me " directly. Adieu my dear friend, I wiſh you and that lady all " poſſible happineſs, yours moſt affectionately, N. M." " P. S. " Should Mrs. Harris go to Dublin, I beg ſhe'll prevail on my " younger brother Robert to break off at length the fooliſh " partnerſhip he has formed with a fellow who is conſtantly " impoſing on him, and keeping all the profits to himſelf. " Should my brother perſiſt in his obſtinacy, I ſhall have " nothing to ſay to him, but leave him to ſmart for his folly; " but if he follows my advice, I will become his partner, ſend him " goods, and ſupply him with whatever credit he wants to carry " on buſineſs on his own bottom."

Gentlemen, theſe letters having arrived in Ireland, Mr. Jackſon, under the name of Popkins, addreſſes the following letter to Lawrence and Company, intended for Mr. William Stone; it did not come to his hands, becauſe it will be proved to you to have been laid hold of in the Poſt Office.

" Dublin, the 21ſt of April. Dear Sir, Yeſterday your " letter was delivered to me. I am glad to find that the pat- " terns I ſent have reached the perſons for whom they were " intended, as from the ſilence of the parties, I concluded that " the Out Rider had neglected the delivery of them. I do " not ſee any thing in the late change of faſhions which alters " my opinion of the ſtability of the new inſtitution, particu- " larly as the principal perſons who ſuperintend it, I never " have been able to detect in the ſlighteſt deviation from the " line of conſiſtency; the reſt have all at times been ſuſpected " of ſiniſter motives and tergiverſation. The ſtate of manu- " factures in England, which your friend drew out, and which " you ſo obligingly gave me"—That, Gentlemen, is the paper from which Mr. Jackſon drew out his improved ſtate, and

which

which paper Mr. Jackſon, writing to Mr. Stone, thus deſcribes —" The ſtate of manufactures in England, which your friend " drew out, and which you ſo obligingly gave me, is very juſt " as far as it relates to England." Now what the manufactures in England were, will remain to be explained by the priſoner; he proceeds thus—" But the principles of the people " with regard to trade, their opinions as to a change to be " brought about by induſtry, and co-operating exertion, are ſo " totally different, as to throw all compariſon out of the " queſtion. I am promiſed by an eminent and very ſenſible " Manufacturer, a ſtatement of the manufacturing branches here " which will gratify you." Gentlemen, I ſhall lay before you preſently the ſtatement of the manufacturing branches which were to gratify him; the ſtatement of theſe manufactures, furniſhed by that eminent perſon. Popkins then proceeds—" I ſhall obey the " inſtructions." Now I beg your attention to this—" I ſhall " obey the inſtructions of your ſiſter-in-law, by not writing to " her." Mr. Hurford Stone had ſaid in a letter, that he deſired not to be written to, but how Mr. Jackſon comes to anſwer Mr. Stone thus, by ſaying in effect that, becauſe Hurford Stone had expreſſed that deſire, he would obey the inſtructions of the *Siſter-in-law*, by not writing to her, is incomprehenſible, unleſs you infer that there muſt have been infinite communication between Mr. Jackſon and Mr. Stone upon the ſubject, upon which Mr. Jackſon himſelf was engaged, and the manner in which they were to expreſs themſelves to each other. Popkins again proceeds thus—" Which does not, however, preclude me from " requeſting that, when you write, you will remember me in " the moſt affectionate manner to her and Mr. Nicholas. Let " them know where I am, and that I am doing every thing in " my power to ſerve Mr. Nicholas, and give him ſatisfaction " in bringing his affairs to the iſſue he wiſhes." That Mr. Nicholas is the perſon who ſigns N. M.—at leaſt it muſt be left to you to decide whether Mr. Nicholas is not that perſon. He then goes on to ſay, " His friends here have it in agitation " to ſend a perſon, on whom his family and he can depend, to

" him

" him with copies of ſuch covenants and leaſes, as will ſhew
" the readineſs of his ſiſter-in-law here to come immediately to
" terms with him, and I ſhould adviſe a junction of intereſt,
" rather than a tedious Chancery ſuit. I wiſh you would copy
" this part of my letter, and ſend to him. A few days will
" decide whether the perſon goes or not; if he ſhould, he will
" go from me and the family here," (now here is a family in Ireland as well as a family in Shields!) " with full powers to
" treat with Mr. Nicholas, finally ſettle the terms, and thus
" put an end to enmity and litigation. I am ſure the medium
" of a third perſon is all that is wanting to bring the parties
" perfectly to accord. The ſiſter-in-law is admirably diſpoſed
" to a reconciliation; I hope this will be effected, as one inter-
" view is better than a thouſand letters. If the perſon ſhould
" go, Mr. Nicholas muſt receive him as he deſerves, and treat
" him as he will merit. I had written the above during the
" negotiation with a perſon to go to Mr. Nicholas; he has this
" morning, the 24th of April, decided that his private affairs
" will not permit him. I ſhall, therefore, ſend a ſtatement of
" the family expectations and ſituation here, drawn up by as
" eminent a pleader as the gentleman who compoſed the paper
" in England. I ſhall ſet out for Cork in a day or two, from
" which place you ſhall hear from me, and ſhould you receive
" any intelligence from, or of our friends, I entreat you to
" communicate it to me under cover to John Cokayne, Eſq.
" to be left at the Poſt Office, Cork. I wiſh you would write
" the firſt poſt day to your ſiſter-in-law, and deſire her to
" inform Mr. Nicholas that to-morrow I ſend off two letters
" for him from his friends here, containing opinions thoroughly
" conſidered, and well digeſted by the firſt Counſel here; as
" ſuch he may ſhew them, and the family may act accordingly,
" as my time has been wholly employed in collecting them, and
" as they come from the firſt and moſt enlightened ſources, let
" your ſiſter-in-law deſire Mr. Nicholas to look out for them
" as matters of conſequence; they contain the real ſtate of the
" caſe. I ſincerely wiſh your happineſs, and that of your
" family, and am truly yours, Thomas Popkins." " Do not

" fail

" fail to communicate to Mr. Nicholas, by the means of your " ſiſter-in-law, what I have written."

Now, Gentlemen, calling back your attention to the addreſſes, which were left with Mr. Stone with thoſe croſſes, which are the addreſſes to Chapeaurouge and the other perſons before named, you ſee the paper which I have read, mentions that the next poſt the ſtate of the caſe, drawn up by an eminent Pleader and Counſel, containing all thoſe covenants, leaſes, &c. were to be ſent, and in this letter Mr. Jackſon deſires Mr. Stone to inform his ſiſter-in-law, as he expreſſes it in this letter, of that fact. Theſe letters were written in conſequence, as it will be proved to you, of perſons who had been conſulted for the expreſs purpoſe of going over from Ireland, feeling the danger of their ſituation too much to do ſo, and that induced the neceſſity of a written communication.

Gentlemen, I hold in my hand a letter containing the Pleader's ſtate of the caſe, and which was ſtopped in the Poſt Office. It is a letter addreſſed according to one of the addreſſes left with William Stone, to Mr. Chapeaurouge, Merchant, at Hamburgh. When you open it, you find the croſs agreeably to thoſe addreſſes which were left with Mr. Stone. When you open it again, you find in it words to this effect—" Remember me to Laignelot and our friends," with a croſs again. The other letter is directed to Monſieur Daudibuſcaille; the outward cover is addreſſed to Meſſrs. Texier Angely et Maſſac à Amſterdam; this contains the letter directed a Monſieur Daudibuſcaille at Amſterdam, which you recollect is the other addreſs left with Stone; and here is alſo the other croſs, and it likewiſe contains, as well as the other, for there were duplicates of them, that ſtate of the caſe by the eminent Pleader, which has been alluded to.

I will now read to you this ſtate of the caſe, calling back your attention only to theſe things—that Mr. John Hurford Stone, in his letter, converſes with Mr. William Stone about the houſe concerns in the manner I have pointed out to you; that Popkins ventures to write to Mr. William Stone in the manner I have read to you relative to the manufactures, the prices chang-

ing,

ing, and the family at Shields, and other particulars I have remarked upon, and then that deſcribing this paper which I am about to read, he repreſents it to be a ſtatement of the manufacturing branches in Ireland, drawn up by an eminent Manufacturer and an eminent Pleader, upon which the *Family* are to act. The paper is as follows—" The ſituation of England and Ire-
" land is fundamentally different in this—The Government of
" England is national, that of Ireland provincial; the intereſt of
" the firſt is the ſame with that of the people, of the laſt di-
" rectly oppoſite. The people of Ireland are divided into three
" ſects—the Eſtabliſhed Church, the Diſſenters, and the Ca-
" tholics. The firſt, infinitely the ſmalleſt portion, have en-
" groſſed beſides the whole church patronage, all the honours and
" profits of the Country excluſively, and a very great ſhare
" of the landed property. They are of courſe Ariſtocrats, ad-
" verſe to any change, and decided enemies of the French Re-
" volution. The Diſſenters, who are much more numerous,
" are the moſt enlightened body of the nation; they are ſteady
" Republicans, devoted to liberty, and through all the ſtages of
" the French Revolution, have been enthuſiaſtically attached to
" it. The Catholics, the great body of the people, are in the
" loweſt degree of ignorance and want, ready for any change,
" becauſe no change can make them worſe. The whole pea-
" ſantry of Ireland, the moſt oppreſſed and wretched in
" Europe, may be ſaid to be Catholic. They have, within
" theſe two years, received a great degree of information, and
" manifeſted a proportionate degree of diſcontent by various in-
" ſurrections, &c. they are a bold, hardy race, and make
" excellent ſoldiers. There is no where a higher ſpirit of
" Ariſtocracy, than in all the priviledged orders. The clergy
" and the Gentry of Ireland, down to the very loweſt; to
" countervail which there appears now a ſpirit riſing among the
" people which never exiſted before, but which is ſpreading
" moſt rapidly, as appears by the Defenders as they are called,
" and other inſurgents. If the people of Ireland be 4,500,000,
" as it ſeems probable they are, the Eſtabliſhed Church may be
" reckoned at 450,000; the Diſſenters at 900,000; the Ca-
" tholics

" tholics at 3,150,000. The prejudices of the Engliſh nation are
" adverſe to the French, under whatever form of Government.
" It ſeems idle to ſuppoſe the preſent rancour againſt the French
" is owing merely to their being Republicans; it has been
" cheriſhed by the manners of four centuries, and aggravated
" by continual wars. It is morally certain that any invaſion of
" England would unite all ranks, in oppoſition to the invaders
" in Ireland, a conquered, oppreſſed and inſulted Country.
" The name of England, and her power, is univerſally odious,
" ſave with thoſe who have an intereſt in maintaining it; a
" body, however, formidable only from ſituation and property;
" but which the firſt convulſion would level in the duſt; on
" the contrary, the great bulk of the people would be ready
" to throw off the yoke in this Country, if they ſaw any force
" ſufficiently ſtrong to reſort to for defence, until arrangements
" could be made. The Diſſenters are enemies to the Engliſh
" power, from reaſon and reflection. The Catholics from
" a hatred to the Engliſh name. In a word, the prejudices
" of one Country are directly adverſe of the other, directly
" favourable to invaſion. The Government of Ireland is only
" to be looked upon as a Government of force. The
" moment a ſuperior force appears, it would tumble at once, as
" being neither founded in the intereſts, nor in the affections of
" the people. It may be ſaid the people of Ireland ſhew no poli-
" tical exertions. In the firſt place public ſpirit is completely
" depreſſed by the recent proſecutions of ſeveral. The Con-
" vention Act—Gunpowder Bill, &c. &c. Declarations, there-
" fore, of Government, of Grand Juries, or parliamentary
" unanimity, all proceeding from Ariſtocrats, whoſe intereſt
" is adverſe to that of the people, and who think ſuch conduct
" neceſſary for their own ſecurity, are no obſtacles—the weight of
" ſuch men falls in the general welfare, and their own tenantry
" and dependants would deſert and turn againſt them. The
" people have no ways of expreſſing their diſcontents *civiliter*,
" which is at the ſame time greatly aggravated by thoſe mea-
" ſures, and they are, on the other hand, in that ſemi-barbarous
" ſituation, which is of all others the beſt adapted for making war.

" the ſpirit of Ireland cannot therefore be calculated from newſ-
" paper publications, county meetings, &c. &c. at which the
" gentry only meet, and ſpeak for themſelves; they are ſo
" ſituated that they have but one way left to make their ſenti-
" ments known, that is, by war. The church eſtabliſhment
" and tythes are very ſevere grievances, and have been the cauſe
" of numberleſs local inſurrections; in a word, from reaſon,
" reflection, intereſt, prejudice, the ſpirit of change, the miſery
" of the great bulk of the nation, and above all, the hatred of
" the Engliſh name, reſulting from the tyrrany of near ſeven
" centuries, there ſeems little doubt but an invaſion would
" be ſupported by the people; the militia, the bulk of whom
" are Catholics, would, to a moral certainty, refuſe to act,
" if they ſaw ſuch a force, as they could look to for ſup-
" port."

This is a ſtatement of the law ſuits, and the manufactories, which Mr. Jackſon deſcribes in a letter that he had ventured to addreſs to Mr. Stone, to that Mr. Stone who had written to that Mr. Jackſon by the name of Popkins, and who had written to that Mr. Jackſon by the name of Popkins after he had received from him a letter relative to family concerns at Shields, and the affairs of the family of Shields in that Country, in which Mr. Jackſon then was, I mean Ireland; it is for you, not for me, to draw the inferences from theſe facts, pregnant as they appear to me with important inferences.

Gentlemen, you may recollect that I have ſtated to you, that a letter was written by Mr. John Hurford Stone, in the name of Benjamin Beresford, the contents of which I ſtated. You will now find another letter in the name of Popkins, for this Mr. Jackſon writes, in the name of Popkins, to Switzerland, as well as to England, to the following effect; and when you come to hear this letter read, and to compare it with the letter of the 11th of June, ſigned Benjamin Beresford, you will ſee plainly that it is an anſwer to that letter of the 11th of June, which was unqueſtionably communicated to Jackſon through Mr. William Stone.

" Dublin, 24th April. Sir, You are requeſted to ſee Mad-

" gett

" gett directly, and inform him, that this evening two papers, " containing the opinion of the firſt counſel in this kingdom,"—You obſerve that this communication is made both directly to Switzerland, and likewiſe to William Stone here in England—" relative to his family law ſuit, are ſent off to him by the poſt. " Mrs. Madgett's friend has been wholly occupied ſince his ar-" rival here in obtaining thoſe opinions, attending different con-" ſultations, and collecting what is now ſent, as a real caſe in " point. Your brother-in-law, with whom the friend of Mad-" gett has had frequent conferences, approves the opinions ſent, " as containing the opinions of all good and honeſt lawyers on " the ſubject. Madgett may therefore proceed for the recovery " of his family fortune,"—Now you will perceive the way of proceeding for the recovery of the family fortune!—" by hoſtile " or pacific means, as he and his friends think proper.—I am, " Sir, your humble ſervant, Thomas Popkin.—N. B. Your " brother-in-law has written to your wife, in order to find out " the ſex of your child—I am told that it is a very fine boy."—Gentlemen of the Jury, you will likewiſe find that the letter is addreſſed by Thomas Popkin to Mr. Beresford, and addreſſed according to the direction contained in the letter of John Hurford Stone, to which I before alluded; namely, that the American friend's letters, and William Stone's letters, were to be addreſſed to Beresford, to the care of Louis Bourcard and Co. at Baſle, in Switzerland; and it is clearly and obviouſly an anſwer to that letter of Mr. John Hurford Stone himſelf, of the 11th of June, which is ſubſcribed in the name of Benjamin Beresford.

Gentlemen of the Jury, having read to you theſe ſeveral papers, for the purpoſe of endeavouring to enable you to comprehend this caſe, as it is laid before you; I have now little more to ſay to you upon the ſubject with reſpect to the papers, except to ſtate this, that it may poſſibly be ſaid, that Mr. William Stone might—(I think after the papers have been read to you, you probably may think it impoſſible) but it may be ſaid that, independent of theſe papers, Mr. William Stone might poſſibly conceive that his brother, John Hurford Stone, was really at-

tached to the intereſts of England—that, being really attached to the intereſts of England, he had engaged his brother William Stone to aid and aſſiſt in the purpoſes of Mr. Jackſon, whoſe purpoſes are as clear as day light; but that William Stone had ſome project in common with his brother, not hoſtile to the real intereſts of England.—Gentlemen, I do not know how ſuch a propoſition as that is to be ſhaped in the defence—becauſe I ſtate it, with great deference to thoſe who are to adviſe you and direct you in point of law by and by, that if this evidence ſhall ſatisfy you, that Mr. William Stone knew that Mr. Jackſon was here for the purpoſe of communicating intelligence reſpecting the ſtate of this Country, to the enemies of it; or reſpecting the ſtate of Ireland, to its enemies, for the purpoſe of informing the enemies of this Country, and that Country, from what attacks they might abſtain, and what enterprizes they might undertake, and communicating therefore for their aid; I am not aware how any propoſition can be ſtated, that, under the circumſtances you have heard, can liberate Mr. Stone from the conſequences, that attach upon the guilt charged in this record.

But, Gentlemen, it appears to me—God grant I may turn out finally to be miſtaken in this—that, if the propoſition could be ſtated that he meant a benefit to this Country, it is utterly and abſolutely impoſſible that it can be eſtabliſhed in point of fact.—When Mr. William Stone received Mr. Jackſon, he knew from his brother, actually living in France, whatever his diſpoſitions might be either towards France, or towards England, that a perſon was coming over to this Country for the purpoſe of making enquiries with reſpect to the ſtate of this Country, and with reſpect to the ſtate of Ireland, to be communicated to the French Government. If his brother's ſituation was ſuch, as to induce him from any circumſtances that had relation to that ſituation, to feel an inclination to prevent an invaſion of this Country, he had a ſhort mode of acting—but it was not by conſulting perſons for the purpoſe of handing over to Mr. Jackſon, repreſented as an American merchant, the ſituation of this Country to be communicated to France—it was not by carrying on a correſpondence in the name of Enots, with Mr. Jackſon, in the name of Popkins;

Popkins; or denying the fact of having had that correſpondence; nor was it by receiving ſuch communications from him, as he did receive from Ireland, or actually promoting with reference, both to England and Ireland, the views of Mr. Jackſon. If Mr. Jackſon was to communicate for the benefit of France, Mr. Stone has violated the allegiance, which he owes to this Country, in aſſiſting Mr. Jackſon in making the communications. If it was poſſible to ſay that Mr. Stone verily believed that a communication could be made for the intereſt of England, in this ſenſe for the intereſt of England, that it would prevent the French from making the invaſion with that temerity, with which they meditated an invaſion, is it poſſible to contend that he meant no more? What are we to ſay for Mr. Stone, when he continues (under all the cautions he received) his aſſiſtance to Mr. Jackſon after he went to Ireland? How is this, by poſſibility, to be accounted for, conſiſtently with an innocent intention?

But, Gentlemen, the caſe in my opinion is put beyond all doubt in another reſpect; for there will be laid before you letters much earlier than that of the 22d of November, 1793—letters, which I told you I ſhould in ſome meaſure ſtate towards the cloſe of what I had to addreſs to you, in which it will appear that, to the knowledge of Mr. William Stone, Mr. John Hurford Stone was, as I before ſtated it, throughout a Frenchman—throughout wedded to the intereſt of France; writing of the intereſts of England as the intereſts of the enemy, and writing of the forces of England as the forces of the enemy of his Country. You will find this in ſeveral letters pointedly and diſtinctly put by John Hurford Stone to William Stone: you will find that in letters he ſtates what may be for the benefit of France, and what may not be: you will find that he ſtates how *we*, as he expreſſes it, mean to treat Holland, in order to avoid giving offence to *you*: you will find that he ſtates how *we* are to attack the enemy in the north, and the armies of the enemy in the north; conſiſting, among other troops, of the troops of England:—in a word, without going through this part of the caſe particularly, by reading all the letters, I ſhall put it to you

as a circumſtance of fact, bearing ſtrongly upon the concluſion which you are to draw from the other circumſtances, which I have ſtated, that it is clear from the papers to be produced to you, that William Stone could not doubt that John Hurford Stone was engaged in promoting the eſſential intereſts of France.

Gentlemen of the Jury, I told you there was no communication with Government after the 22d of November, 1793, the date of the firſt letter, which ſpeaks diſtinctly of thoſe things which I have mentioned, and ſpeaks of the French as meditating an invaſion into this Country. You will find among the papers that were ſeized, (and I do not mean at preſent to produce any other than thoſe which are put into my hands in conſequence of that proceeding) a letter from Mr. Pitt. That letter, you will ſee, refers to a letter, and to ſome extracts of letters, which had been communicated in April, 1793, or thereabouts, by Mr. William Stone to Mr. Pitt. The extracts are found upon the ſeizure in the poſſeſſion of Mr. Stone. I ſhall produce thoſe extracts; it will be for you, Gentlemen, to compare thoſe extracts with the general contents of the letters, from which they are extracts; and it will be for you to determine whether in April, 1793, Mr. William Stone meant to give *bona fide* information to thoſe, who, at leaſt in this reſpect may be fairly ſtated as the perſons who ought to be conſidered as at the head of affairs in the Country, and who are bound by the moſt ſolemn obligations to protect the liberties, conſtitution and property of Engliſhmen, againſt meditated invaſions. That letter which is alluded to in this letter of Mr. Pitt, which is put into my hands by the effect of the warrant to ſeize papers, I have not to produce; and it will occur to you, and to all who hear me, that a communication may be made under circumſtances in which it is fitter that the letter ſhould be called out of the hands of the perſon, who has it by proceſs directed to him from thoſe who addreſſed the letter to him, than by proceſs directed to him on the part of thoſe who conduct this proſecution. That letter may be called for, and, if it is, there is no objection to the production of it. Having ſtated myſelf thus with reſpect to that letter,

letter, I do not think myſelf at liberty, for the very reaſon which I have been intimating, to ſay one word, at preſent, upon the contents of that letter.

Gentlemen of the Jury, I have thus opened to you, with a good deal of detail, I hope not with more than will be neceſſary for your underſtanding this important caſe, ſuch circumſtances as may lead the Court and the Jury to a true underſtanding of it. I ſpeak to you under an impreſſion, which, as a proſecutor, poſſibly I may be too ready to conceive. It is the great bleſſing of Engliſhmen that they have a tribunal to reſort to, which can protect them againſt the impreſſions which thoſe who proſecute, receive from their view of the caſe. It is the great bleſſing of the Country that it can alſo refer to a tribunal, which is fully able to examine the grounds of that reaſoning which the priſoner's Counſel may, on the other hand, attempt to offer on his behalf.

Gentlemen, you owe, upon this occaſion, a great and important duty to the gentleman at the bar; you owe to yourſelves, to your poſterity, to your Country, and to him, a verdict of acquittal, unleſs you are ſatisfied that he has violated the ſtatute of the twenty-fifth of Edward the Third, and ſatisfied by ſuch evidence, as the law of England requires to be applied to a charge, founded upon that ſtatute.

But, on the other hand, Gentlemen, you muſt allow me to ſay that, dear as all the intereſts of Mr. Stone are to him, there is, in this ſort of caſe, without all doubt, an intereſt moſt obvious, an intereſt moſt valuable to your Country committed to you. If, by ſuch evidence, you ſhould be ſatisfied of the truth of the charge, it will be equally your duty to yourſelves, to your poſterity, to God, and your conſciences, to give that verdict which the law, in that caſe, requires from you. I cannot retire from this part of my duty without ſaying that I hope, becauſe a proſecutor ought to hope, as the law of his Country hopes, that a ſatisfactory account of this buſineſs may be given by Mr. Stone, and that, ſuch ſatisfactory account having been given, he may have a good deliverance. On the

contrary, Gentlemen, I am bound, and, painful as it is to me to feel the obligation, and to act upon it; I ſay I am bound, if juſtice between the Country and the priſoner will not permit a verdict of Acquittal to be given, according to my duty, to aſk, at your hands, on behalf of the Country, a verdict of Guilty.

EVIDENCE

EVIDENCE FOR THE CROWN.

Mr. Thomas Maclean (ſworn.)

Examined by *Mr. Law.*

Q. You are one of his Majeſty's meſſengers, I believe?

A. Yes.

Q. Did you at any time make a ſeizure of any papers at Mr. William Stone's?

A. Yes; on the 3d of May, in the year 1794, in the evening, I went, together with Mr. Lauzun, to the houſe of Mr. William Stone at Old Ford, and took him into cuſtody.

Lord Kenyon. Where is Old Ford?

A. Near Newington.

Q. Where did you find theſe papers? *(ſhewing the witneſs the following papers*; No. 1, A; No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10.)

A. In the Houſe of Mr. William Stone, at Old Ford.

Mr. Law. Moſt of theſe letters are addreſſed to Lawrence and Company: we will now call Mr. Lawrence to prove that theſe letters were delivered unopened to Mr. Stone.

Mr. Thomas Lawrence (ſworn.)

Examined by *Mr. Garrow.*

Q. Were you at any time engaged in trade as a partner with Mr. William Stone?

A. Yes.

Q. Where was your houſe of buſineſs?

A. In Rutland Place, Upper Thames Street.

Q. In the courſe of your buſineſs did you receive certain letters, by the foreign mails, addreſſed to the houſe by the firm of Lawrence and Company?

A. Yes.

Q. By the courſe of the houſe to whom were letters ſo addreſſed delivered?

A. They were left for Mr. William Stone.

Q. When

Q. When you ſay left, do you mean left unopened by the other partners in the houſe?

A. Left unopened by any body elſe, for Mr. William Stone.

Q. As far as you knew was that the univerſal courſe, or did it ever happen that any of theſe letters were opened by any other perſons?

A. I never knew an inſtance of their being opened by any body but him.

Q. Are you acquainted with the hand-writing of Mr. John Hurford Stone?

A. I have ſeen his hand-writing, but am not ſufficiently acquainted with it.

Q. Did you ever ſee him write?

A. I have.

Q. Did you correſpond with him?

A. I did not.

Mr. John Holmes (ſworn)

Examined by *Mr. Wood.*

Q. Are you acquainted with the hand-writing of John Hurford Stone?

A. I have ſeem him write.

Q. Be ſo good as look at theſe letters—Do you believe them to be John Hurford Stone's hand-writing?

(The witneſs inſpected the letters identified by Mr. Maclean, and ſaid he believed them to be the hand-writing of John Hurford Stone.)

Mr. Erſkine. How long is it ſince you ſaw this gentleman write?

A. It is twelve or thirteen years.

[*No.* 1, A, *read.*]

" Paris, 2d Feb. 1793.

" Dear Brother,

" I have only 3 minutes to write, by a gentleman who is " departing for England. *Yeſterday we declared war againſt* " *you in due form, with the general approbation and general re-*

" *gret:*

" *gret: this was more than you expected, but the patience of the* " *French was exhauſted: and now the event is committed to the* " *laſt reſource—arms. Holland it is expected will be in our* " *power in a very ſhort time; and this will likely bring it with* " *England to a ſhort concluſion.**——

Mr. Law. We do not want any more of it read.

Mr. Serjeant Adair. We muſt have the whole of the letters read; we have not ſeen them.

Lord Kenyon. The whole muſt be read.

[*The reſt of the letter read.*]

" The manuf. will be ours as ſoon as a little arrangemt. is ſettled " with reſpect to ſome little neck of land. I have drawn at 2 " months for £.521, which muſt be depoſited when the offer is " made; what more will be neceſſary I cannot now ſay; but if " the change ſhall fall much lower, which I do not believe, as " it is now 100 per Ct. profit, I will draw for 2 or 300 more; " it is likely that correſpondence will be much impeded, if not " ſtopped: you may write, however, as I ſhall: there is a cer- " tainty. Adieu,

" Yours, &c. I. H. S.

" At this moment they are paſſing decrees for the protection " of Engliſh merchants and their property; as alſo whether the " Miniſter of War ſhall be diſmiſſed. We continue, both " town and country, in the ſtate of the greateſt tranquillity. " This war and the King's death unites all parties.

" *Mr. Wm. Stone, Rutland Place,*
" *Thames Street, London.*"

---

* *The reader will obſerve, that where the papers read are printed part in Italic and part in Roman letters, the parts in Italic were read at the inſtance of the Attorney General, in ſupport of the proſecution, the remainder at the deſire of the priſoner's Counſel; but when the whole letters are printed in Roman, the whole were read at the requeſt of the Attorney General.*

[*No.* 1, *read.*]

" Dear Sir,

" Your letter of the 12th, which arrived yeſterday, was a " great relief to me, as you may judge, from my not having " received any anſwers down to the 24th October, which you " acknowledge; ſince then you will have received others; and " the laſt containing bills drawn by Beresford on yourſelf to the " amount of £.300; and one by C. Williams on Cotter, of £.50, " I recommend to your particular attention, as the motives by " which I then urged the negociation and the purchaſe of French " bills are very much increaſed. The drawers name may, in the " preſent caſe, ſtand for my own; and what you receive on his " account you may purchaſe there, as it is difficult to do any " buſineſs here of that kind without immenſe loſs. I have " already mentioned to you ſome of the cauſes of the delay of " the conſignment for the £.300; and you will by this time be " perfectly appriſed, it is certainly a great misfortune, but very " remediable, and I believe will not prevent the progreſs of the " trade. I mentioned to you alſo that you would hear the full " particulars from Hambourgh, which will be the caſe, as that " is the only channel; ſome part is arrived there, and the reſt " will follow; in courſe my advantages on it continue the ſame.

" I am ſorry to hear you have been ſo much indiſpoſed at " home, and hope that your next letters will bring me the pleaſ- " ing intelligence that every one * is got eſtabliſhed. I " have had a little touch of the gout, which has only confined me " a little at home, but have now got well rid of it. I am alſo " ſorry for thoſe abominable advances of which you ſpeak to " Braidwood and Crawford, for I was in hopes that what ſpare " caſh you might have you would have been able to ſend here, " at about ten times the advantage it can be employed there; on " this head you will obſerve that I have been very modeſt, ſince, " I believe, that except the £.300, which ought not to be " reckoned, ſince I have not touched a ſhilling; and of " which I had not the ſlighteſt doubt but you would receive

* *Illegible in the original.*

" the

" the full indemnification long before the payment: you will " not have paid for me in the courſe of the year more than " fifty pounds; and this whilſt I have had two eſtabliſhments " to form and ſupport, of no ſmall weight and future import- " ance: I do not reckon indeed what you have advanced for me " at the manufactory, of which I would cede to you a much " larger ſhare, and which, though under a cloud at preſent, will " by-and-bye become of great utility.—The ſalt am. ſells here " at preſent at 7s. 6d. per pound, and I am yet not convinced " that the original plan ought to be laid aſide.

" That you would, amidſt the general diſtreſs, have many " difficulties to ſtruggle with, has led me not to aſk you to " make any extraordinary advances, though mine have been more " than yours; and at preſent, from the ſituation of many of our " friends here, are become more preſſing than ever. To be " where * and what I am, has required more prudence " on my part than you ſuſpected me in poſſeſſion of. It de- " pends in ſome meaſure on you, whether what I have begun " ſhall fall or be the firſt eſtabliſhment of the ſort in Europe; " you might readily conceive what avenues there are to ſucceſs, " when the ſtate of ſociety has undergone ſo thorough a rege- " neration, and what ſure channels are open to induſtry and " circumſpection; I think it my good fortune to be as much in " the way as any individual. I am glad that Gillet accepts the " commiſſion; and, ſuppoſing that the reſult of your next con- " verſation will be ſome adjuſtment, we are preparing to ſend a " ſample to Hamburgh. Since I wrote to you on that ſubject " we have engaged an agent for Germany, Switzerland, and " Italy, and I have no doubt but the trade of thoſe places will " fall into our hands. This agent, who lives here, inſures all " the debts, for which he receives a proportionable commiſſion. " I know that bound books pay a double duty, but nothing " equal to the value. I wiſh you to make me more ſure whe- " ther Engliſh printed books, not copy-right, find an unin- " terrupted entrance.

" From Chriſty I have received a ſneaking letter, alledging

* *Illegible in the original.*

" rea-

" reaſons why they did not accept my bill of £.275, which he " promiſed me when here. The man's misfortunes diſarm me, " or I ſtill feel reſentment enough to ſpeak of him as he de- " ſerves; I ſhall write to his houſe in a more peremptory tone " on the ſubject, for we cannot underſtand that a depoſit of " £.100 only ſhould entitle them to all the advantages of their " ſhares, whilſt we have all the labour. I encloſe a bill, which " you'll immediately negociate, value £.25, at 10 days ſight, on " Gillet * Portland Road * of Cary's concern I " can ſay nothing; it is all under the gripe of the * " I hope, however, to render a good account of it ſome how or " other; he ought to be ſatisfied with my letter; you are per- " fectly clear, I truſt, on the occaſion. I ſhall not truſt Oliver " (for Hamilton writes me that it is his concern alone) for " more than £.150 loſs; that is half, and it may not turn out to " be a misfortune. Recommending me to your care and dili- " gence in what I laſt wrote to you, and alſo your attention to " Beresf. concerns, I remain, faithfully, yours,

" 22d Nov. 1793. " I. HURFORD.

" I would wiſh you to ſell immediately all my plate, and ſend " me a French bill for it, as paper and money here are of equal " value; this is the only moment *(Short-hand characters.)*

" Our American brethren deſire their remembrances. I have " heard nothing from Philadelphia ſince my laſt, but have ſent " a cargo thither lately.—Have you any news from New York?

" *I refer you to a note written to Dr. P—— for what I* " *have now ſcratched thro'. I have reaſons at this diſtance for* " *wiſhing the houſe at Old Ford diſpoſed of; if not by May it* " *will be taken.*"

" *Meſſrs. Lawrence and Co.*
" *Rutland Place, Thames Street, London.*"

[*No.* 2, *read.*]

" Dear Brother, " Paris, 9th Dec. 1793.

" I have received your letters incloſing the power of attorney, " which I return you, ſigned and witneſſed by names whoſe

* *Illegible in the original.*

" ſig-

" ſignatures can be readily recognized in London. I perceive, " from the information I have caught at, that Dr. H. is for all " or nothing; and I ſuppoſe that the manufactory now is likely " to return into its old channel. You are at full liberty to do " with my ſhare what you think proper. I have ſtill the ſame " opinion reſpecting the practicability and profit of eſtabliſhing " by-and bye ſuch a one here; but as it is likely the whole " face of things will be changed, both with you and us, there is " no ſafety in ſpeculation at preſent. I have made no anſr. to " any letter that I have reced. from Dr. H. nor ſhall I at pre- " ſent, till I hear further from you. I have written to Dr. " Crauford; but nothing preciſe on the ſubject. I hope you " have received my notes ſafe; and if you have done what I " requeſted, it will be a gain of near forty per cent. or more, " likely *(Short-hand characters)* there is ſome difficulty, I ap- " prehend, to procure bills for this place, but it is not im- " poſſible. Pray aſk Carey if ever the money was procured for " my wager of laſt ſummer; I had information that I ought to " receive more than the 150, and therefore I begged you not " to apply; but I find myſelf miſtaken. I gave Cary a draft " for that ſum, but I fancy it never has been received as yet " by any one. If, therefore, you will call on the Colonel from " me, he will no doubt pay you, if it has not been already re- " ceived; and I would thank you to ſettle the buſineſs ſoon:— " if a form is neceſſary, I write one, as under, which you can " cut off:

" Dear Sir,

" Pay Mr. William Stone, or bearer, one hundred and fifty " guineas.

" *To Colonel Tarleton,* " I. H. STONE.
" *London.* " Paris, 7th Dec. 1793."

" I ſhould ſuppoſe, from the contents of your letter, that " Oliver, inſtead of dying, is getting better; if, therefore, the " manuf^y. ſhould go on, and be much for your advantage, " I would drop the thoughts of ſettling another here, as I have

" other concerns of more importance. *I mentioned to you about*
" *Oldford-houſe, were it mine, and you knew what I do; I*
" *ſhould diſpoſe of it at the leaſt poſſible loſs, and that inſtantly.*
" If a ſeparation of partnerſhip takes place, how is the buſineſs
" to be arranged, would Oliver third it? On the other ſubjects
" of your letter, I will write you in a poſt or two. I notice
" what you ſay about Beresf. and am quite at home in the
" buſineſs. I truſt him juſt as much as neceſſary; but he is
" honeſt, intelligent, and underſtands all that is neceſſary for the
" manufactory; if you receive any ſums for him, ſo much the
" better; but I am not very much intereſted at preſent that
" you ſhould, for I do not want *his*. I ſhall write to Mr.
" Gill. on the other ſubject, and can ſpeak with ſome confidence
" of our ſucceſs in this literary undertaking. I wiſh you could
" get Chriſty's houſe to diſpoſe of their ſhare; if not we muſt
" uſe ſome method to oblige them.

" I remain affectionately yours,

" I. H. STONE.

" The ſignatures can be recognized at Johnſon's, in St.
" Paul's Ch. Adlard and his ſon are our foremen; enquire
" of Johnſon about them. Adlard tells me that Dr. P. knows
" him; mention Adlard's name to Gillett. I ſee your newſp.
" down to the 23d. I wiſh to hear nothing more of Simon's
" buſineſs. I ſhould have been very happy to have made one
" at your wedding-day anniverſary, but I am laid up at preſent
" by the gout, of which I have had a few touches lately."

[*No.* 3, *read.*]

" Paris, 16th Dec. 1793.

" Dear Sir, " 25 Frimaire, 2d year of the Rep.

" This ſerves to inform you, that I have drawn on you for
" 20l. 12s. 6d. at ten days ſight, to the order of Sir Robert Bar-
" clay, in order to ſupply the deficiency of a bill for 20l. returned
" proteſted from London.

" I complained to you in my laſt of the numerous duplicates I

" recd. of your letters. There are two modes by which you " may ſend them: the firſt is, as I have obſerved to you, and now " mention it definitively, Madame Henvenne, Rue Ferreneſtriere " Liege. This may generally be done; and when your letters " contain any thing which you would wiſh me to know ſoon, " if they contain bills, it would be ſafer to direct them to Sir " Robert Barclay, Bart. Aix-la-Chapelle. It is not improbable " but that moſt of the Bankers buſineſs, truly legal and commer- " cial, which has paſſed between the two Countries, may now " fall into our hands. In this caſe, whatever bills we receive on " London we ſhall ſend to you, and draw on you through Bar- " clay at longer dates. You will charge your commiſſion on " it, and give us regular information. You may be certain that " we ſhall undertake no part of the buſineſs but what is per- " fectly ſecure; and therefore pay no bills till we know they are " accepted, of which the information will depend on you.

" Since my laſt, I have received a letter from Dr. Crauford, " dated 29th November; in which he tells me, in the graveſt " manner poſſible, that he intends to quit, as well as Dr. Ha- " milton, their reſpective ſhares in the manufactory, alledging " for a reaſon the multiplicity of his other concerns, &c. &c. " He tells me alſo, that you and I are to take the whole concern " on our hands, with proper aſſiſtants; and that he will give any " attention that can contribute to its ſucceſs. He ſays that it " may be made a very profitable buſineſs, and that the know- " ledge which he has, convinces him of this. There is ſome- " thing which I do not perfectly comprehend; but I truſt you " have taken care that the other does not play tricks with us, " and eſtabliſh one elſewhere. The Doctor does not mean that " you would take the management on yourſelf alone; for I " ſhould judge it impoſſible, with your multiplicity of buſineſs, " to give it the neceſſary attention. Has Oliver totally aban- " doned it? If peace ſhould take place, I could command here the " whole market, for none is yet made; and if that ſucceeded " with you, I ſhould drop the thoughts of eſtabliſhing it here.

" Tell the Doctor that I have received his letter, which re- " quires no particular anſwer; but that I rejoice to hear of his

" welfare, of which I would have thanked him for a greater " detail, as it would have given me pleaſure. *I ſhall take an op-* " *portunity ſhortly to explain to you what I meant by the Houſe at* " *Old F. We are all tolerably well and proſperous*, and join in " love to all friends, with

" *Meſſrs. Lawrence and Co.* " Yours faithfully,
" *Merchants, Rutland Place,* " I. HURFORD."
" *Thames Street, London.*"

" You muſt properly direct and arrange the incloſed."

[*No.* 4, *read.*]

Paris, 26th December, 1793. 6 Nivoſe.

" My dear Sir,

" I wrote to you yeſterday through Aix, incloſing a bill of " 25l. on Hammerſly. This ſerves to inform you, that I have " drawn on you for 100l. at 60 days ſight, to the order of Sir Ro- " bert Barclay, and ſhall ſend forwards other bills immediately I " have made out my account of drawings ſince the beginning of " the year, and will ſend it you, including the 300l. and 100l. of " Sat. which you will place alſo to my account, as you have not " yet received the package, nor will for a little time, tho' I was " confidently aſſured by my merchant that it was long ſince in " his correſpondent's houſe at Hamburgh. However the cir- " cumſtances were unfortunate in the great, the detail leaves me " about 8 or 900 in pocket; but I have not yet received it. I " have requeſted Barclay, who has appointed us his bankers here, " to write to his various friends, whoſe correſpondences are " ſtopped, to tell them that we undertake every legal buſineſs of " this ſort; and I have informed him, that you are mine in Lon- " don. Under the preſent circumſtances, there is a fair opening " for every legal commerce; and as we ſtand well on every " ground, our ſucceſs attends on our good conduct. You know " that every ſort of Engliſh merchandize is prohibited, and that " none is even ſold. Cecy. Williams is about to be married to a " young citizen of Normandy, the nephew of the Nobleman " whoſe hiſtory her ſiſter writes in the firſt volume; and as he " is acquainted with the cotton manuf. and we have here Engliſh

" workmen,

" workmen, who are otherwiſe ſtarving, we have engaged in a " manufactory of Engliſh faſhion cotton hoſe, of which he has the " ſuperintendance. We begin but gently at firſt; for we have " to inſtruct; but we have no doubt that it will become of ſome " importance, as Engliſh faſhion goods of this ſort ſell at a high " price.

" But another point that may make ſome alteration in our pro- " jects one way or the other, are the events that are taking " place. *What can you ſay to the continuance of the war, when* " *you ſee the fate that attends you. You ſee that we are every* " *way invincible; and of this the taking of Toulon will ſerve* " *you as an evidence, for thouſands of our countrymen periſhed* " *there; but this is not a hundredth part of the evil that* " *awaits you; the Vendee is cruſh'd entirely by this time, and* " *troops are gathering on the coaſts. I wiſhed you to diſpoſe of* " *your houſe. You now fully underſtand me.* (Short-hand cha- " racters) *muſt take place. I know it; for I am* (Short-hand " characters) *Yeſterday was our Chriſtmas-day alſo. Having* " *the gout, I could not go out to partake of a dinner given by our* " *countrymen the William's; but I had a few countrymen around* " *me at home, where we drank all your healths, and ſucceſs to* " *the cauſe of liberty. To make a pleaſant and agreeable ſociety* " *at times, we have the Barlows, Payne, Williams, Wolſten-* " *croft, and ſome others you do not know; and nothing amuſes us* " *more than reading your news-papers, deſcriptive of the horrors* " *of Paris.*

" We have found ſome little obſtacles to our ſending the " books; but we have now ſettled it on a ſurer baſis. We are " exceedingly buſy at this moment. *(Short-hand characters)* " We wait your report on what I wrote to you, to enquire of " Robinſon. Pray enquire alſo, and give me ſpeedy informa- " tion whether news-papers ſent us, Gillet knows of ſuch as " were fabricated by Taylor and Co. can be ſent into the coun- " try without being ſubject to the ſtamp, if there are no adver- " tiſements. This is a point we want haſtily reſolved.

" If you have done nothing with thoſe bills ſent you, it is " uſeleſs now. The preſent events are a further evidence of

" what I wrote to you, and about 200 per cent. might have " been cleared. I hope, however, you may have done some- " thing; if ſo, I will make you inſtant returns. I wait with " impatience your promiſed letter; and, after begging you to " give my reſpects to all friends, &c.

" *Meſſrs. Lawrence and Co.* " Yours faithfully,
" *Rutland Place, Thames* " I. HURFORD."
" *Street, London.*"

[*No.* 5, *read.*]

" I have received your letter, which gives me accurate infor- " mation reſpecting my literary enquiries, and I am obliged to " Mr. Gillet for the trouble he has taken. He has anſwered " my queries as I imagined he would, ſince I could not furniſh " him then with more ſatisfactory data.—The ſale of this work, " however, will depend very little on the bookſellers. The " reaſons for which it is undertaken, are very far above the " little calculations of theſe gentlemen. Four thouſand copies " are already beſpoken here, which ſays nothing indeed for " the goodneſs of the thing.—This will be explained to you " in a day or two more fully by other means.—The accuracy " of delivery is too important a thing to be overlooked; and, " you may imagine, on what events this will depend.

" As this place will be the emporium of literature, as well as " of every thing elſe, it is impoſſible to ſay what may not be " done, eſpecially with the aſſiſtance of men, as well inſtructed " as Mr. Gillet appears to me to be, to help forward the machi- " nery of it. With you the mag— will be a national work; and " you may judge from whence the above mentioned ſupport " will be derived, (*Short-hand characters*) will explain all this " more fullly to you. That you have heard nothing of the " books, or the other conſig: was very ſurpriſing to me till a " few days ſince; they are very ſafely lodged here. So many " tricks had been played under falſe pretences, that it was thought " fit to lay a general embargo on every thing. I was told that " that of 23 pt. had long been diſpatched, but they de-

" ceived

" ceived me; I am however now ſure that it will ſoon be diſ-
" patched, and that you will hear a good account of it, the de-
" lay will not have been againſt it. I note what you ſay about
" Aſh's and ſhall prepare a large quantity, but I ſhall wait
" the event of the next week, with you, the 21ſt, before I ſend
" them.

" Your account of the bills is much as I expected, except
" that of Loſack. I believe him to be a ſcoundrel, from all the
" information I can receive. He has taken in ſeveral here. The
" bill I ſent you on him, is for a very kind friend of mine, and
" if any reſearch could be made, I would be obliged to you.
" I could advertiſe the fellow: I ſee Chriſty is gone into ſome
" other employ; he owes Mrs. S. 400l. for which ſhe ſhall ſend
" you an order. I have drawn not on you, but on Dr. C. for
" 50l. the months of Nov. and December, for her; but that of
" 8l. 6s. 8d. mentioned, I have not ſent. I obſerve what you
" ſay in your former letter reſpecting the other bills, and can only
" ſay that it is unfortunate. The gains would have been about
" 150 per cent at this time, and you would have been in caſh alſo.
" I have written to Sir Robert Barclay about printing bills, but
" you do not tell me in your laſt, whether you have ſent them;
" my account with him is under the firm of my name, and that
" of Beresford. We hope to have pretty conſiderable dealings
" with him in our way of trade, both for cotton goods and
" books, as well as other merchandize; but the circumſtances
" of the countries at preſent, prevent any ſort of ſpeculation.
" I ſpeak to you heſitatingly about every thing, nor can I ſpeak
" with more aſſurance till I ſee the event of 21ſt inſt.

" I cannot convey you our anxiety, nor our reſolve. The
" events of the laſt month, will have given totally a new turn,
" and it preſents to my mind the moſt pleaſing proſpects,
" not only for my own intereſt, but for that of mankind. The
" events of the ſucceeding month will be more aſtoniſhing to
" you, and in the ſame way than the laſt.—You may tell Mr.
" Gillet that the hiſtory he alludes to, will probably make part of
" our undertaking. Right of Women is writing, a huge
" work; but, it will be as dull as Dr. Moore's Chronicle, and

 " probably

" probably as inaccurate. I have ſeen this ſtupid performance " of Moore's, and the others alſo, (*Short-hand characters*) of " which you will ſay nothing. (*Short-hand characters*)

" I thank you for the expedition with which you anſwer my " demands. I muſt again lay claim to your attention for a " thing of no ſmall importance to the individual; it is to procure " a certificate for Sabo, ſigned by Dr. P. Bilſham Aikin, H. " Tooke, if poſſible, and others declaratory of his attachment, " to the principles of liberty; the character which he bore, the " place he occupied, and the eſtimation in which he was " held amongſt you. On the early reception of this, depends " his liberty, perhaps his life.—You ſhall know more of this " ſoon; I muſt not now enter into the detail.

" I have ſeen your papers to the 31ſt Dec. I receive them " pretty conſtantly, (*Short-hand characters*) am much amazed " at your accounts of French politics.—Heavens that you were " wiſe and informed.—How is it that Dr. P. has received no " letter from me, it would have opened his mind, which the " detail I fear of the laſt ſix months has too much cloſed; tell " him that I have all his fears and feelings, and yet I am more " than ſatisfied, and in me it is a thouſand times more meritori- " ous. *I note what you ſay about the manufactory, and Old* " *F. Houſe; the perſon alluded to will explain all the myſtery.—* " *You will treat him with hoſpitality, for he is very much my* " *friend.*

" Yours &c. " I. HURFORD."

" I ſhall ſend you again in two or 3 days.

" Remember Lib."

" *Meſſieurs Lawrence, and Co.*

" *Merchants, Rutland Place, Thames Street, London.*"

[*No.* 6, *read.*]

" I wrote to you yeſterday, chiefly to beg you to procure a " paper, ſigned and ſent hither will all poſſible expedition, which " may be done in a letter to me, by Dr. P.—Sabo's friends

" need

" need not be alarmed, ſince it wears now a very favourable " aſpect; but ſtill the paper I requeſt is neceſſary.—In reverting " to the laſt but one of your letters, you ſay there, in applying " to the brokers, their anſwer is that *as* the Convention has " forbidden bills drawn from this Country being paid, there " are no merchants who will draw, altho' there are many who " would be very glad to do it, &c. Now if the latter part of " this information be true, " that they would be glad, &c." " you may be aſſured that the former is falſe; and that no bills " are hindered from coming in to the Republic, nor being " paid, provided the parties are not under the hands of the Na- " tion. I receive bills continually from Aix La Ch: the only " difficulty is to get them paid, for it is a verity that moſt of the " great bankers are in cuſtody, or the ſeals put on their effects. " —If therefore you find any one that will intruſt you with bills " to ſend over, I will ſend them back the proper returns im- " mediately.—I do not much care reſpecting the revw. I have " ſeen the 1 vol. here, find ſome miſtakes—but the tendency is " right, and you ſee that I have not been altogether a falſe " prophet.

" I hope you will meet with no ſerious inconveniences, from " what you tell me of Langſton's meſſage.—I have long ſuppoſed " it might be ſo, and wonder only that it did not come before.— " This I hope however will ſoon be at an end, for it is impoſſible " that the (*Short-hand characters*) can hold with you two " months longer; what you have ſeen done (*Short-hand cha-* " *racters)* this month paſt is nothing to what you will the month " to come; for, you may be aſſured that the (*Short-hand cha-* " *racters)* will (*Short-hand characters*) in the (*Short-hand* " *characters*) it will be impoſſible for them to reſiſt, the almoſt " miraculous impulſe.—I obſeve what you ſay on the ſubject of " Hamilton, and the manufactory; he had better if he can ſtick " to it; a great deal might, and will be made of it here by and " by, for at the peace the demand muſt be great, and as that event " is (*Short-hand characters)* I will make enquiries and pre- " parations.—*I have written to you by a gentleman, an American,* " *who will call on you, and give you a very long detail of various*

 " *things;*

" *things; you will receive various propoſitions, which you will* " *weigh and conſider. He will inſtruct you alſo, what I meant* " *reſpecting Old F. Houſe; but the events of the laſt month, I think,* " *will make any further conſideration of it unneceſſary, at leaſt we* " *think ſo, on a thouſand other important accounts, in which what* " *I ſaid on Old F— was but a very ſlight part, however I might* " *be intereſted on your account and my own* (Short-hand characters) " *it is likely will not take place; but all depends on the 21ſt; if it* " *ſhould, you had better be in town, and Mrs. S. in the country;* " *but all this depends ſo much on circumſtances that it is folly to* " *ſpeculate. I hope the* (Short-hand characters) *may be averted;* " *if it be not, I will more fully explain myſelf.*

" *I refer alſo to my American friend for intelligence, reſ-* " *pecting the Magazine; you will hear on that point what will* " *give you pleaſure*—Miſs H. M. Williams will be the conductor " in chief. As it will be a national work, you may be ſure it " will be moſt magnificent.—The (*Short-hand characters*) of " ſafety, will intruſt its regulation to her; and ſhe will chooſe the " proper aſſiſtants. You may therefore hint this to Gillet, if you " can make out my writing, which no one elſe will.

" I am editor of another work, which is alſo National, of " which you ſhall receive a proper account ſoon.—You will re- " ceive now pretty regularly conſigments of books; and according " to the vend with you will be our activity.—We have the ca- " pability of doing any thing; and we hope we ſhall find the " means; we are tolerably rich, but may want now and then a " hundred or two; you will not however be much troubled on " this account. You will find what I told you to be true reſ- " pecting bills on this place.—The profit to both of us would be " very decent, and I ſhould be glad to have ſome good correſ- " pondents.

" You will have reced. Beresford's letters. You find that " ſomething may be done, what is to be (*Short-hand characters*) " if it does not give you too much trouble, I ſhould be glad if " you would—tho' I hope that I ſhall not much want it.—His " mother-in-law's death brings him ſomewhat nearer, and he " has it otherwiſe in his power to make terms for other matters,

" both

" both with his wife and the creditors. As to my plate I wished " it ſold, only that you might furniſh me with the money, which " would be much more acceptable, as we could get it at half the " price here; but as things are turning now more equal, probably " it is not worth while. *We are all* very well and happy, and " likely to ſee an end of the captivity of our countrymen, as " thoſe who made the decree, and cauſed it, are juſt arreſted as " traitors. *As you write every Friday*, I ſhall know when to " expect a letter. You are in a fine buſtle, I ſuppoſe, on the " taking of Toulon, at this time. You will ſoon ſee things " more extraordinary, perhaps the no (*Short-hand characters*) " here, as well as O'Hara, if he does decamp haſtily.

" *Meſſrs. Lawrence, & Co.* " Your's, faithfully,
" *Merchants, Rutland Place,* " I. HURFORD.
" *Thames Street, Londres.*" " 17th Jan."

[*No.* 7, *read.*]

" My Dear Sir, Jan. 24, 1794.

" I have received your various letters, which come to me ſafe " and unopened. I thank you for the prudence you have ob- " ſerved in abſtaining from every thing that did not immediately " refer to our own concerns, becauſe this has inſpired that confi- " dence which leaves our correſpondence unmoleſted. I would ne- " verthleſs wiſh you to addreſs your letters in future to " Henvean " Rue Foreneſtriere, Liege," as I get them a day ſooner than the " Poſte Reſtante, and ſometimes a ſimilarity of names brings us " letters that no way belong to us; for inſtance, Mr. Briſtow, " of the guards, quartered at Ghent, writes to Mr. Beckford, " Poſte Reſtante, Liege. Beckford is taken for my name, " Beresford; and this is not the worſt, for you may ſuppoſe that " my patriotiſm would be a little ſuſpected, to be told, by way of " news, " We are in great conſternation from the retreat of the " Auſtrians and Pruſſians; how do you feel at Liege? Toulon " you know, I ſuppoſe, is evacuated; theſe Carmagnols fight " like devils, but we hope to give them a dreſſing in the ſpring." " Poor Maſter Briſtow, what will you do againſt twelve hun-

" dred thouſand of ſuch Carmagnols as the world has never ſeen;
" armies of which I know many private ſoldiers worth 5, 6, and
" 10 thouſand ſterling a year; and what againſt 140 millions hard
" money in the Treaſury, beſides the paper? Good Heavens,
" conquer this Country! All this you will find explained in my
" letter to our philoſophical friend, if it be received.

" *I have written to you two letters by an American friend, to*
" *whom I have given a letter of credit on you for what monies*
" *he may want, having received here, and arranged the mode*
" *of receiving; whatever you may pay him, you will receive of*
" *courſe the amount in return. I have recommended him to you*
" *as a perſon with whom he will have much buſineſs to tranſact*
" *of various kinds, and with a reference to this, I am rejoiced*
" *that you are getting diſembarraſſed of your preſent engagements;*
" *ſo far as you relate, I truſt you will find your future one in-*
" *comparably much more worth your attention. I enter into no*
" *detail in my letters, but leave himſelf to explain the buſineſs.*
" I ſhall give no ſort of reply to any of Hamilton's letters,
" reſpecting the manufactory, as you requeſt. I wiſh nothing
" deciſive to be done till about the middle of next month, by
" which time you will be able to know more effectually how to
" act. I notice what you ſay about the bills in your laſt letters,
" and refer you to what I have ſaid on that point; whatever
" conſignments of debts, or other things you procure, we will
" punctually execute, if it be executable; but we muſt make
" ourſelves reſponſible for nothing. As to Carey's buſineſs I am
" ſorry he has received the 153l. 10s. he ſhall receive no more;
" and I hope that no ſecurity is given for the remainder, as you
" ſeem to hint, for it would be unjuſt that the money ſhould
" be paid into his houſe, ſeeing nobody will be paid by him.
" They owe my correſpondent at Aix forty thouſand livres, and
" laugh at him. *I notice what you ſay about Whitbread's ap-*
" *plication. It is well, but I hope, as I have above ſaid, that*
" *you will have buſineſs infinitely more worth your conſidera-*
" *tion. If you have a partner, and 10 or 12 thouſand pounds,*
" *as I hope by what you tell me, you will be left more at leiſure*
" *to attend to my friend's propoſitions. You will be ſurprized*

" *in*

ding my latter letters, to ſee how I waver on the ſubject ne houſe. I do not think that all this preparation is abſolutely neceſſary; the immenſe deſtruction lately undergone, " muſt give a new change; but ſo far as I am concerned, pray " do not diſpoſe of my pictures to ſuch a Goth as I. Cooke. Do " you know that ſome of them are beyond any price; for in- " ſtance, the 12 ſmall ones are originals, of Teniers; I have " the plates here of the very pictures: and the others are almoſt " all originals. *If you wiſh to get rid of the houſe, it is very* " *well; if not, ſtop a little till you ſee my friend.*

" As to Chriſtie, and his concerns, you know the feelings I " have on that head; both Duler and myſelf are reſolved that " they ſhall give up. We want only the caſh to pay them. I " have loſt by that trickſter, firſt and laſt, at leaſt 40,000l. " he is a fellow I ſhould ſtand as far from as poſſible. I ſhall " concert ſomething with Dale on this head. I fancy in a little " time I can ſend you the money. Barclay has juſt given me " credit for the bills drawn on you, amounting to 220l. 12s. 6d. " for which I receive 8970; you will calculate what ſuch ſum " would bring with you for Paris bills. I ſend encloſed twenty " pounds on Wright at 6 days ſight, which you will place to my " account, waiting others. I have drawn for nothing ſince the " laſt hundred to Barclay, who has heard nothing yet of Dr. P.'s " money. I procured Mrs. S. liberty, *by writing a letter to the* " *Convention, who in two hours ſent me their decree by an officer.* " *I ſhould have taken this ſtep before, had I not been deceived* " *by too much friendſhip. I have done the ſame favour for ſeveral* " *others, and the caſe is not ſo bad of the reſt, though the policy* " *has been wretched. A man who has eſtabliſhed three different* " *manufactories in a country, has a right to ſome conſideration;* " *thank God I enjoy more than my ſhare.*

" For news I refer you to our papers, as I conſtantly ſee " yours. What was done yeſterday we are in great anxiety to " hear. I have lately ſeen two vols. of letters from France. " There are parts of two letters in the laſt volume worth your " reading again. Dr. P.'s letter was a comment on them.

" Yours, truly, B. BERESFORD.

" I'll

" I'll ſend the notes in my next.

" *We have taken* 15 *merchantmen, and the news is that we* " *have taken* 52 *more.*"

" *Meſſrs. Lawrence and Co.*

" *Merchants, Rutland Place, Thames Street, London.*"

[*No.* 8, *read.*]

" Dear Sir,

" I have received no letter from you ſince that which incloſed " Bennet's, which, as I told you, I have forwarded in the " ſureſt manner to it's place of deſtination, and of which you " will know the particulars in a letter which a friend has taken " with him on a journey towards you. I inform you in it that " owing to the circumſtances of the times, *I have for the pre-* " *ſent removed my account from Barclay to the houſe of Jean* " *Louis Bourcard et Fils et Baſle, whoſe houſe with you is* " *Pattiſon, Lee & Co. where if any difficulties ariſe, any ſums* " *may be paid in on the account of Mr. B. Beresford, who is* " *our reſident at Baſle, but as buſineſs calls him into various* " *parts of Switzerland, letters may be addreſſed to him at the* " *above mentioned houſe of Bourcard.* He writes me that he " has drawn on you for 200l. at 10 & 60 days ſight, which " you are to receive immediately from Drummond, to whom " orders have been ſometime ſent for that purpoſe. I received " a note yeſterday from Barclay's firſt clerk, as he is himſelf " gone to England, informing me that he had not yet received " the 5000l. ſent him, as you informed me by the Oſtend " diligence. Pray will you give me the particulars of this " packet, and alſo write to him on the ſubject, and that imme- " diately. He alſo tells me about demurs on bills drawn on " England; this means, I preſume, only bills drawn from France, " and for the people there, and not bills in general.—I have " written to you more particularly on that point.—Ireland is " not it ſeems included. I could have wiſhed to have received " ſome information of the tendency of this bill, at preſent I " have only ſeen its outline. In the letter above mentioned I " refer you for what I ſhall have further to write, the chief pur-

" port

" port of this being to inform you that the 5000l. has not been
" received at Aix, and to beg you to ſee where the delay is,
" as you have written to me that it was long ſince ſent.

" Yrs truly,

" 14th *Febry*, 1794. " I. HURFORD."

" *Mr. B. has made payable at your houſe, in caſe of need,*
" *£ 380 on a banker at Dublin, and £ 75 on a houſe in Lon-*
" *don—there is no doubt of their being honoured, but if any*
" *difficulty ſhould ariſe, he holds the full property in American*
" *bills on Amſterdam, which ſhall be forwarded inſtantly to you;*
" *if there is any demur, you will not ſuffer them to go back.*
" *I wait to hear particulars reſpecting the tendency of the late*
" *bill on foreign payments. Write to me when the £ 200 is*
" *received from Drummond, and alſo the two bills from Ireland.*"

[*No.* 9, *read.*]

" Dear Sir,

" I have received your letter of the 4th, and alſo the packet
" incloſing the inventory by Aix, and in anſwer to the laſt,
" After thanking you for your trouble, would wiſh every thing
" to remain in *ſtatu quo*, as I do not think it worth while to
" diſpoſe of any part; firſt, on account of Mrs. S. to whom
" moſt of theſe objects are precious, though otherwiſe of no
" value; and next, the reſt will be of much greater ſervice to
" me here, that is, the linen, &c. than what could be got for
" them. *With reſpect to the pictures, I would not by any means*
" *part with them, as they are moſt of them originals; in ſaying*
" *this, I have not much changed my ſentiments as to the motives*
" *which led you to take this trouble; the thing is as fixed now as*
" *it was then, but circumſtances may change, and render it un-*
" *neceſſary. I refer you to my American friend, and the letters*
" *which he carries you, for all that I ſhould otherwiſe write on*
" *that head: but not recollecting that his buſineſs would take him*
" *ſo great a round, or rather not knowing it till after his de-*
" *parture, I have delayed writing by the poſt, which will have*
" *occaſioned you, I fear, ſome uneaſineſs: you will, however, have*

" *received*

" *received a letter or letters from Beresf. incloſing orders, and* " *a bill on his account, which you will place to mine.* There is " a letter ſent to Coper, to pay in ſome money on account of " Mrs Williams. I have ſent you the note on Wright; but I " have drawn no more on you, for I have not yet received a " ſous of what I drew on ſo long ſince; ſo totally cut up is " foreign credit, that I have been obliged to ſend back all the " bills I have received, and yet I am at heavy expences. Pray " have you received any thing yet from Dorſet? You may be " certain that Laſack is a ſwindler, for I can vouch that the " money is truly owing for goods to twice the amount put into " his hands; and R—— is not the only one he has cheated; if " he could be found 'twould be ſo much gained: he has got alſo " a depot of gold watches belonging to ſome one here, I know " not whom: he and Chriſtie muſt never think of returning: " I ſhall ſay no more of this man, as you ſay he is ſunk into " oblivion, but juſt to mention that amongſt other extrava- " gancies, and claims made in conſequence, is that of a young " girl who has obtained judgment againſt him for ſeduction, to " the amount of 1200£. I ſhall adviſe with Duler about ſome- " thing to be done with that houſe, as they will do nothing " themſelves. You will have received a letter from the perſon " whoſe note you received on Barclay; that I ſuppoſe will be " inſtantly paid. Yeſterday I received the following from Dun- " kirk—" I duly received your favour, with the two incloſures; " one of the parties is in the ſituation (arreſt) you was before " adviſed in, and which prevents him ſaying any thing at pre- " ſent to the buſineſs: the other matter depends ſomewhat at " your pleaſure; its not likely to obtain more than 24l. that is, " the bill on the Engliſh houſe cannot yet be paid, that on the " French may at par. The drawer muſt make his calculations " thereon, and you muſt give me advice; he will know that " there is no courſe here, and that therefore the law obliges no " other payment. I have not received P^ys. livres, but Barclay " has been ſome time adviſed that they will arrive; I will place " them to his account, as he thinks proper; but what you ſay " otherwiſe about him fills me with the deepeſt concern. I

" judge my letter miſcarried, as it ſometimes happens, but he " will ſee its contents in a few days *(Short-hand characters)* " I ſhall write to him again in a few days. Sabo's buſineſs was " very happily arranged before the arrival of the certificate, " which would otherwiſe have been of no uſe, as there was a " name, D. W. to it, which is proſcribed here: it was a " religious kind of plot; but the conſpirators are in their turn " all in priſon, and likely to ſuffer the puniſhment they were " preparing for him: do inform his friends of this particularly " Mrs. Barbauld, to whom and the Citoyenne I beg to be re- " membered. Be ſo kind as to enquire of Gillet whether the " plan he prepared for literary tranſlation from French into " Engliſh cannot be inverted with reſpect to this Country— " whether he cannot furniſh us with the means of getting books " of merit which may come out, to tranſlate from the Engliſh " into French; a bookſeller and printer of eminence has been " with me on this point; and, knowing that I have many lite- " rary acquaintance amongſt you, wiſhes to engage in procuring " ſuch books as, from the reputation they are likely to acquire " with you, would have a ſpeedy ſale: of this ſort are travels, " and ſuch books as Mr. G. knows the ſelling value: now, if " Mr. G. could procure the ſheets of any ſuch books as they " come out, and ſend them over by poſt, he will receive the " proportional profit. You may tell him that there are two " caſes going off to Hambro', one of books, and the other " things alſo, ſince the neceſſary permiſſion is now obtained: " he will inform us whether any ſuch works are in the " preſs: travels never fail of one and two editions. This con- " nection is a very important one, and falls into our general " plan. You may tell him that we can now make a catalogue " of twenty or thirty different articles, one of which 4 vols. of " 500 pages each. This I hope will be adopted *(Short-hand* " *characters)* and become a very conſiderable object. The " M——— muſt be ſomewhat deferred, but it is reſolved on " as I mentioned to you. We have been very buſy of late, in " particularly that way (*Short-hand characters*) as ours is the " moſt complete preſs here for certain books. I will make all

" poſſible

" poſſible enquiry about the perſon for whom Mr. Grey intereſts
" himſelf, by making application to the proper offices, and
" writing to the Deputies on the ſpot.—When I procure this
" intelligence, what further is to be done? and is it Grey of
" the Houſe? I note what you ſay of T———. I hope
" you will be ſucceſsful. I ſhall write to Mr. S. Fenwick,
" *poſte reſtante*, &c. and know from him what conveyance
" would be ſafe. I ſuppoſe I am to ſend him the money.
" Eleanor tells me that Miſs White has not received the money;
" will you ſpeak to her, and ſhe will tell you. I could ſend you
" more bills, but I cannot procure the caſh for them; if you
" have any to receive here ſend them, but I doubt whether any
" thing more than par will be paid. I have now anſwered all
" the contents of your letters. *You mentioned in a former letter*
" *that you thought I had too many concerns, for my eaſe probably,*
" *but not for my ſafety; the moſt important are thoſe which I*
" *hope are to come, and of which you will be informed. But*
" *why remain unſettled; we may be diſappointed; and I have*
" *ſeen too much of late to build on any thing. Your letters come*
" *to me always unopened, as the ſeal is untouched, and I am too*
" *well known here; tho' I would never wiſh you to write*
" *on politics, ſince I ſee all your papers, to excite any*
" *kind of doubt about my correſpondence the letter you ſent to*
" *Beckford came unopened; had it not it would have had no*
" *conſequence; as it was, I ſent it to one of the miniſters for his*
" *amuſement. I am told you have taken a partner; I hope, as*
" *you mentioned, that this releaſes you from ſome of the embarraſſ-*
" *ments which extreme application has given you; if the plan you*
" *are to be conſulted on takes place, you will ſee the neceſſity of*
" *diſembarraſſing yourſelf more. I enter into no particulars, as*
" *you will receive otherwiſe ſuch ample information. A letter I*
" *ſent of explanation will not reach you, as the perſon was gone;*
" *however it is not material; but you do wrong to be anxious, as*
" *it may not take, tho' it appears abſolutely neceſſary. Commer-*
" *cial ſchemes, like others, are ſometimes viſionary; here however*
" *there is ſolid ground. You are miſtaken if you think I have*
" *changed my opinion reſpecting the propriety of leaving the*
" *houſe*

" *houſe, I have only ſuſpended it; judge yourſelf from what you*
" *hear; and I only obſerve, that the plan is not laid aſide; and if*
" *it be put into execution, your poſition there will certainly be a very*
" *loſing one. I ſhall not be ſo long in the interval of writing*
" *again, but remain, with compliments and reſpects to all*
" *friends, yours, &c.*

" I. HURFORD.

" Tell *(Short-hand characters)* that there's another *
" letter coming for him, and that I ſhall find the means, I hope,
" of continuing ſomething important. Tell Eleanor that I have
" received her letter, as alſo the Drs. and a former letter alſo,
" dated laſt Augt. I will write to her very ſoon. Will you
" alſo tell Toulmin that I have received no letter from him;
" and he ſurely can find ſomething to write. You may tell him
" that Miſs H. M. W. has written a beautiful collection of
" ſonnets, which will be ſent him; they are to be printed in a
" work of her's now in the preſs. 16th Feb."

" *Meſſrs. Lawrence and Co. Merchants,*
" *Rutland Place, Thames Street, London.*"

[*No.* 10, *read.*]

" My Dear Sir,

" I wrote you about a week ſince, incloſing to you a letter
" from Sir Robert Smith to the Duke of Dorſet. On the
" ſame occaſion I have written to Lord Lauderdale, acquainting
" him alſo that I had paſſed the letter he recommended to my
" care for Capt. Bennett, thro' the Miniſter of Marine, who
" has ſpecially charged the Commiſſary at Toulon to find him,
" and deliver it perſonally; and in caſe he was not there, to
" diſcover where he was placed, and charge himſelf with the
" anſwer which I will tranſmit thro' you to his mother when it
" arrives. I acquainted you alſo that Sir Robert had written to
" Drummond to pay into your houſe 200l. which I have ad-
" vanced him, and alſo 66. 13 from Mitchell of Cornhill;
" but this laſt, if you have received it, you muſt return, as
" Mitchell has drawn from Baſil for it. Nothing embarraſſes

* *Illegible in the original.*

" us more at preſent than money concerns, from the uncer-
" tainty we are in of what is paſſing in England on that head;
" nor do we know how the Engliſh here are affected by it.
" Our caſe is pitious indeed, if the law reaches us; for if we
" have the means of drawing, and receiving Engliſh value, we are
" not ſure of our bills being honoured in England on account of
" this law; but we truſt that it is only for French funds, and not
" for ſuch as are neceſſary for our immediate exiſtence. If
" ſuch ſhould be the caſe, application ought inſtantly to be
" made to Government to prevent an accumulation of diſtreſs
" which nothing can exceed. I have ſhared with my impri-
" ſoned countrymen my own money, till I have none left; and
" the interruption which has taken place, and the ceſſation of
" commerce here, has left no means of procuring from any
" country but Switzerland. It is on this account that I have
" not received a ſous from my correſpondent at Aix la Chapelle,
" as I have been obliged to ſend back all the bills he has ſent me
" for non-payment, and therefore have now removed my ac-
" count from him to the houſe of Jean Louis Bourcard et fils,
" Negociante à Baſle; where, in future, you muſt addreſs all
" your letters, inſtead of Liege; though I have met with no
" interruption in their receipt; but as it is likely, from circum-
" ſtances, that an interruption may take place, it makes but
" four days difference to receive them according to the above
" addreſs.—I mentioned to you in a former letter that Beres-
" ford was going into Switzerland. He is now reſident there;
" and therefore you will receive, in future, letters and bills from
" him as ſoon as we know what the tenor of the law is; if it
" ſhould be thus ſevere, application muſt be made.—The inten-
" tion of your Adminiſtration was to hinder the Engliſh here
" from paſſing their bills thro' the agency of Government; but
" if they find other means of getting money, it is not the in-
" tention of your Adminiſtration to hinder them. Conſider
" this; and if it be neceſſary, let no application or induſtry be
" wanting, if the exiſtence of thouſands be a matter of any mo-
" ment. I am not affected by it myſelf: on the contrary, having
" the full enjoyment of liberty as an artiſt, and alſo the confi-

" dence of my not being hoſtile to the cauſe of liberty, I am
" more than free. I am reſpected, tho' I keep aloof from all
" political acquaintance. I am indeed the chief ſupport of my
" unfortunate countrymen; and my time is employed in re-
" lieving and alleviating their wants.—I am alſo happy to in-
" form you, that my own affairs go on very proſperouſly, tho'
" the calls I have from the above circumſtances are ſo many
" drawbacks. Beresford writes me, that he has drawn on you
" for 200l. one at 10 days ſight, and the other ſixty, which you
" will pleaſe accept; and even if Drummond ſhould not pay, you
" will receive the value in good time.—*I told you alſo in my*
" *letter, that I had received a letter from the American, and*
" *who was then going to London. You will have ſeen him by*
" *this time, and will have arranged his affairs with him.* To
" return again to the law in queſtion: If any difficulty ſhould
" ariſe, I ſhall order monies to be paid into your houſe, and not
" truſt the interchange of bills. You muſt pay the ſums into
" the houſe of Patterſon, Lee, and Iſelin, London, on account
" of the Swiſs houſe, Jean Bourcard et fils, abovementioned;
" from whence they will have the means of procuring it: but I
" truſt, as I have ſaid, that the bill does not affect them.—I am
" informed that the wine is gone on your account, and I hope it
" will arrive to a good market.—I have got to receive here
" on account of Sil^y. 32 thouſand livres, which I muſt wait
" the payment of till a diviſion be made. Perhaps I ſhall receive
" it in wine, which I will forward to your account. The
" books are lying at Havre ſtill; and we have great hopes of get-
" ting them ſoon away, as we have paſt all our examinations. In
" future there will be no trouble on this head.—I wrote to you
" alſo reſpecting the bills you ſent me. Your broker will inform
" you whether I ſhould receive them at par, which is an im-
" menſe loſs; but they cannot otherwiſe be paid; and then I will
" remit you the value in Engliſh money. What other bills
" you may receive, you muſt ſend to the houſe abovementioned,
" who will paſs them; but ſend none to me yourſelf; and be
" cautious only about mentioning money concerns.—I have the
" opportunity of paſſing this by a friend to Baſle, and therefore I

" ſpeak thus explicitly; but your letters to me cannot reach me,
" without the riſk at leaſt of examination; *tho', as I have ſaid,*
" *I am treated with a good deal of delicacy on that head.*—I have
" not yet received any news of Dr. P.'s money being arrived at
" Aix, but I ſuppoſe it is there. I am ſorry he is going to leave
" us; but I ſuppoſe it is arranged beyond the power of alteration.
" —Jefferſon is expected here for ſome great purpoſe;———
" thro' him Payne will get his liberty. I ſee him ſometimes.
" There is nothing againſt him of any ſort. God bleſs you.
" Make my beſt reſpects to all our friends.

" Yours, &c.

" March 4, 1794. " I. HURFORD."

" *Meſſieurs Lawrence and Co. Rutland*
" *Place, Thames Street, London.*"

Mr. John Clark (ſworn)

Examined by *Mr. Law.*

Q. You were, I believe, in the year 1794, Captain of the ſhip the Elbe?

A. Yes.

Q. Do you remember in that year bringing any paſſengers on board your veſſel to Hull?

A. Yes, in that year I had many.

Q. Do you remember coming to Hull on the 25th of February, 1794?

A. Yes.

Q. Do you remember a paſſenger on board your ſhip leaving this direction with you? (No. 11. A.)

A. Yes; this direction was left with me by one of the paſſengers who came from Hamburgh to Hull.

Mr. Thomas Maclean (called again)

Mr. Garrow. Look at theſe papers (No. 17, and No. 18) did you ſeize them at Mr. Stone's houſe at Old Ford?

A. I did.

Mr. Garrow. No. 17, and No. 18, purport to be an account ſtated and ſettled between Mr. Jackſon and Mr. Stone.

Mr. Thomas Maclean,

Croſs-examined by *Mr. Serjeant Adair.*

Q. You went to Old Ford to apprehend Mr. Stone on the Saturday evening I believe?

A. I did.

Q. You found in his houſe at Old Ford, the bundle of papers before produced?

A. I did.

Q. Did Mr. Stone, when he knew of your buſineſs, make any endeavour to conceal any of theſe papers, or any other papers?

A. No, quite the contrary, Mr. Stone opened the drawers in which theſe papers were, and produced moſt of the papers himſelf.

Q. Had he any opportunity to convey away or ſecrete any papers, or did he attempt ſo to do?

A. No.

Lord Kenyon. He had no opportunity of doing ſo?

A. No; I remained in the room till I had marked all that I found.

Mr. Serjeant Adair. During the whole time you were employed in ſearching for Mr. Stone's papers, was there any endeavour made by him, or any of his family, to conceal or ſecrete any of them?

A. Not in the leaſt.

Q. I have not the leaſt reaſon to ſuppoſe that you are ſtating any thing which you do not believe to be true; be ſo good as to look again at the papers marked No. 17, and No. 18, about which you are now queſtioned, and tell me whether you recollect diſtinctly where thoſe papers were found?

A. Thoſe papers were found in a room like a library, where there were a great many receptacles, different drawers, but out of which particular drawer they might be taken, I do not recollect.

Q. Did

Q. Did you go with Mr. Stone on the Monday to his counting-houſe in the city?

A. I did not.

Mr. Garrow. Have you there No. 17 and No. 18, or No. 17 and No. 19?

A. No. 17 and No. 19.

Mr. Garrow. My inaccuracy in calling them No. 17 and No. 18, inſtead of No. 17 and No. 19, led the witneſs into the miſtake.

Mr. Serjeant Adair. Were the drawers and receptacles in which theſe papers were found, under a lock?

A. They were.

Q. Who had the key?

A. I think I kept poſſeſſion of the key from Saturday till Sunday, till they were taken out; I gave the keys to Mr. Stone to the beſt of my recollection, who himſelf gave out all the papers together, with the aſſiſtance of the meſſengers.

Mr. Thomas Maclean,

Re-examined by *Mr. Garrow.*

Q. You did not go alone I take for granted?

A. I did not.

Q. My learned friend aſked whether Mr. Stone, or his family, attempted to conceal any thing; would it have been poſſible, if they had made any ſuch attempt, to have ſucceeded?

A. It would not.

Mr. Edward Lauzun (ſworn)

Examined by *Mr. Garrow.*

Q. Did you aſſiſt in the ſearch at Mr. Stone's houſe at Old Ford?

A. I found this paper (No. 18) in Mr. Stone's houſe in London.

Mr. James Walſh (ſworn)

Examined by *Mr. Wood.*

Q. Did you know Mr. Jackſon?

A. I

A. I knew the late Mr. Jackſon.

Q. Are you acquainted with his hand-writing?

A. I am.

Q. Look at this paper (No. 11. A.) whoſe hand-writing do you believe it to be?

A. I believe it is Mr. Jackſon's hand-writing.

Q. Look at No. 17, No. 18, and No. 19—do you alſo believe them to be Mr. Jackſon's hand-writing?

A. I believe them to be his hand-writing.

[*No.* 11, *A. read.*]

" John Cokayne, Eſq. Lyons Inn, near Temple Bar, Lon-
" don, encloſe a letter to me thus—for Mr. Jackſon."

[*No.* 17, *read.*]

" State of my account with your brother.

" I left in his hands 11,800 Livres.
" He had to receive for me 2,000

		Louis d'ors.
" Total left in his hands	13,800 Livres, which makes	575
" I have reced in ſpecie from " Roah - - -		20
" I drew on him for 360 livres " to purchaſe gold at Calais, " making - - -		15
" Remains now in " your brother's hands	louis d'ors	540

" N. B. In the above ſtatement, money and paper are conſi-
" dered at par; which is the caſe as to your brother, as ſpecie and
" aſſignats are to him of the ſame value."

[*No.* 18, *read.*]

" 15 March, 1794.

" Received of Mr. Stone fifty pounds in caſh, and two bills,
" the one for twenty, the other for twenty-five pounds.

" WM. JACKSON."

[*No.* 19, *read.*]

" A Croſs ⋈

" To Monſieur Dandibuſcaille,
" The outward cover To
" Meſſrs. Texier Angely,
" et Maſſac,
" à Amſterdam."

" A Croſs ⋈

" Outward cover,
" To Mr. Chapeaurouge,
" Merchant,
" Hambourg."
" In each a recommendation to forward the encloſed."

Q. (*To Mr. Thomas Maclean.*) Did you find this paper (No. 13) any where?

A. Yes, at Mr. Stone's houſe at Old Ford.

Q. (*To Mr. Holmes.*) Do you believe that to be Mr. Hurford Stone's hand-writing?

A. I do.

[*No.* 13, *read.*]

" My Dear Sir,

" *I have this moment received your letter of the 4th March,* " *in which you inform me, that you have ſeen Mr. J. and* " *very prudently deſiſt from any but general obſervations; it is very* " *poſſible that you may correct his views, and I conjecture in what* " *manner. I ſuppoſe we ſhall hear from him in due time, as he* " *will have the means of ſending. He has no doubt communicated to* " *you all that was expedient, and I truſt to him for the means of* " *recommunication.*

" The act in queſtion, is particularly diſtreſſing to thoſe who are " here in a ſtate of confinement; and, though it does not affect " me, I cannot help feeling much afflicted at the horrors it will " occaſion.

" occaſion.—I have written to Mr. Sheridan, praying him to " procure ſome relief, and I apprehend from what I have ſeen in " the papers; that it was the Attorney General's intention, " when the great object of the bill was ſecured, to bring in a " freſh bill, probably with a view to this individual relief. I " ſee that there is a proviſion in the act, ſtating that nothing in " it ſhall be conſtrued to extend to any act, which ſhall be done " by any perſon, or in any place, by virtue of an authority, " given by order of council or otherwiſe, &c. ſo that if a com- " miſſion were appointed to examine into the nature of bills " drawn from this Country; and finding that they did properly " come within the meaning of the act, as they certainly do not " come within the meaning of the title of the act, individual re- " lief might very conſiſtently with its full operations, as to all " the eſſential points, be granted.

" It is no inconvenience to me, that you have returned the bill of " £.100. ſince I have reced. no value for it—there were two that " I drew, I ſuppoſe the firſt is paid.—I did not imagine that the " payment of bills ſubjected the perſon paying to any other than " double the amount on conviction; at leaſt the act I have in " my poſſeſſion ſays ſo,—however, I ſhall not draw any more on " you—but pray you to pay into the houſe of Patterſon, Lee and " Iſelin, on account of Jean Louis Bourcard, et Fils, Baſle, what " monies may come to your hands, and I wo'd have you call " on them, and mention the reaſons why you cannot pay that " drawn on you for £. 200—from Baſle, if you do not pay it, " tho' that is not on French account; and, if Drummond gives " you any money on Smith's account, you may pay it to them. " If you receive that money it will indemnify you for the pay- " ment of the £.200.—If you have not ſent the aſſignats, you " may pay them into that houſe on Bourcard's account—taking " care to make your initials on the back of each, to prevent the " exchange of them for falſe ones; and, if they cannot take " them, you may adviſe with them on the beſt way of for- " warding them to the houſe of Baſle.—I ſho'd be very care- " ful not to commit either you or myſelf in any tranſaction; but, " if you could accept either of the bills which are drawn on

" you

" you from Baſle, I could order you the amount thro' Holland,
" without any delay.——

" When affairs are better arranged, I can open an account of
" ſome conſequence; but at preſent, not knowing in the fluc-
" tuation of affairs where to fix, it is impoſſible. I go on
" with my printing, which will ſucceed very well, eſpecially if
" there be any proſpect of peace.—I wo'd have you write di-
" recting your letters to the houſe at Baſle, inſtead of Liege,
" till further notice—be very guarded, as we are ſtill in a ſtate
" of Revolution, where very ſlight things may have ſerious con-
" ſequences.

" In great haſte, I ſubſcribe myſelf yours faithfully,

" March, 15th, 1794. " I. HURFORD."

" *Meſſieurs Lawrence, and Co. Negotiants, Rutland Place,*
" *Thames Street, London.*"

John King, Eſq. (ſworn.)

Examined by *Mr. Law.*

Q. You are under Secretary of State?

A Yes.

Q. Do you remember being preſent, at the ſeizure of any of the papers of Mr. William Stone, at Old Ford?

A. Yes I was.

Q. Do you recollect what time that was?

A. I believe the 3d of May, 1794.

Q. Do you recollect enquiring of Mr. William Stone, whether he had any correſpondence under the ſignatures of Popkins, and Enots; or, if he knew of ſuch a correſpondence?

A. I remember telling Mr. Stone, that, if he would give up to the meſſengers, the correſpondence that paſſed between him, and Mr. Jackſon, by the names of Enots and Popkins, his other papers would not be moleſted—he anſwered—that no correſpondence had paſſed between him, and Mr. Jackſon, by thoſe names—in a ſhort time afterwards, a letter was found upon the eſcrutoire, upon the writing table.

Q. Pleaſe

Q. Pleaſe to look at that letter, and ſee whether that was found ſoon after you put that queſtion, and received that anſwer?

A. It was ſigned—" Thomas Popkins."

Q. Do you believe that to be the letter you found?

A. I did not mark any letter, I can only ſay to the beſt of my recollection, this is the letter.

Q. I believe Mr. Lauzun was with you at the time you found that letter?

A Yes, and Mr. Maclean.

Q. Whether you are clear in your memory; that, before you found that letter, Mr. Stone had told you, that no correſpondence had paſſed between him and Jackſon, by the names of Enots and Popkins?

A. Yes—I beg to ſay again, I think this is the letter; but, I had not marked it.

Q. Before you found any letter ſigned Thomas Popkins, Mr. Stone ſaid that no correſpondence had paſſed between him, and Mr. Jackſon, by thoſe names?

A. He did.

Mr. Edward Lauzun, (called again.)

Mr. Garrow. It appears that you have marked this paper, (*ſhewing it to the witneſs*) as one of the papers found at Mr. Stone's.

A. Yes, this is one that I found there.

John King, Eſq.

Croſs-examined by *Mr. Erſkine.*

Q. You attended the King's meſſengers, when they went to Old Ford, for the purpoſe of arreſting Mr. Stone—were you preſent when he was arreſted?

A. I was not, I came in a few minutes afterwards; they went into the houſe before me.

Q. Pleaſe to recollect, whether it was not Lauzun that aſked for this correſpondence, between Popkins and Enots?

A. I do not recollect, whether Lauzun aſked for it or not; but I am clear I did.

Q. You

Q. You don't know, whether Lauzun had not aſked him for it before?

A. I do not.

Q. Of courſe, if you did not hear the queſtion, you cannot tell what anſwer was given to it—I believe the papers in general were all found lying there, without any concealment of any ſort?

A. Many of them were found in drawers; and many of them were found in little holes, or places which made a part of this writing deſk.

Q. Not in any circumſtances of concealment?

A. No.

Q. Did you obſerve any circumſtances of embarraſſment, more than muſt neceſſarily belong to perſons in ſuch a ſituation?

A. No, leſs than I ſhould have expected upon ſuch an occaſion.

Q. In conſequence of the arreſt, Mr. Stone was brought before the Privy Council?

A. He was.

Q. You were of courſe preſent at the Privy Council?

A. I was during a good part of his examination.

Q. Where was this particular letter, which you have juſt now ſpoken to, found?

A. It was found lying upon a table that would let down, from an eſcrutoire to write upon—it was lying open—I mean unſealed.

Q. Not at all diſtinguiſhed from the reſt by any particular concealment, but intermixed with the others?

A. Yes.

Q. Do you recollect Mr. Stone's ſaying, voluntarily, himſelf, to the Privy Council——

Mr. Law. I believe his examination before the Privy Council was taken in writing?

A. It was.

Mr. Law. I object to any parol examination as to that.

Mr. Erſkine. Did you go to Mr. Stone's counting-houſe in conſequence of what was ſaid by him at the Privy Council?

A. I can-

A. I cannot anſwer for that; I believe it was in conſequence of that.

Q. When you went to the counting-houſe of Mr. Stone, in conſequence of what you have juſt deſcribed, were both thoſe papers (the account and receipt) or only one of them found?

A. I have ſeen theſe papers before, but I cannot now recollect whether they were found at the counting-houſe or where.

Lord Kenyon. What are the numbers of thoſe papers?

Mr. Erſkine. No. 17 and No. 18.—Did you ſee theſe papers together?

A. I cannot ſay whether they were together; I have ſeen them before, but cannot anſwer as to where they were found.

Q. Do you remember a particular ſatisfaction being expreſſed by Mr. Stone at finding thoſe papers?

A. I do: he ſaid that was the paper they were looking for.

Q. Was the diſcovery of that paper made by him?

A. If I recollect right, Mr. White found it—He was with me.

Q. An impreſſion ſeemed made upon your mind upon that occaſion?

A. The impreſſion upon my mind was, that when it was found, he expreſſed himſelf to be pleaſed.

Mr. Law. But he did not lead to the finding of it?

A. I cannot ſpeak as to that; I think Mr. White found it.

Mr. Wood (to Mr. Walſh.) Look at this letter, ſigned Thomas Popkins, and ſay whether you believe it to be Mr. Jackſon's hand-writing?

A. I do.

[*No.* 20, *read.*]

" Dear Sir, " Dublin, 5th April, 1794.

" Owing to a variety of incidents, which I will explain when " I have the pleaſure of ſeeing you. I have been prevented " writing until the preſent moment. Some very excellent " friends, to whom I owe moſt ſingular obligations, being ap- " prized of my arrival, have endeavoured to render me ſervice; " and were their power equal to their wiſhes, I am confident I

" ſhould

" ſhould experience the benefit of their good intentions; accept-
" ing, as I do, the will for the act, they have a claim on my
" gratitude.——I requeſt, my dear Sir, that you will dedicate an
" inſtant, on the return of the poſt, in acknowledging the rect.
" of this letter; and if you have any letters from the family at
" Shields, which regard their affairs in this Country, you can-
" not too ſoon encloſe them to me, as the aſſizes at Cork are
" about to commence. In the courſe of a very few days I will
" give you ſome information reſpecting the bills which you
" commiſſioned me to preſent. I hope your lady enjoys better
" health; and, with very ſincere wiſhes for her and your hap-
" pineſs, I requeſt you to believe me your real friend,

" THOMAS POPKINS.

" I muſt requeſt you not to make uſe of any of the addreſſes
" I left you, the price and nature of the articles being entirely
" changed.

" You will have the goodneſs to encloſe your letter or letters to me under a cover, thus directed—

" John Cokayne, Eſq.
" Hyde's Coffee-houſe, Dame Street, Dublin.

" Pray write immediately."

" *Mr. Stone.*"

Oliver Carlton, Eſq. (ſworn.)

Examined by *Mr. Garrow.*

Q. I believe you are one of the officers of the police in Dublin?

A. I am.

Q. Were you one of the perſons who aſſiſted in the apprehenſion of Jackſon, who was afterwards tried there for High Treaſon?

A. I was.

Q. Did you ſeize any papers at the time of his apprehenſion?

A. I

A. I did.

Q. Look at this paper *(ſhewing the witneſs No.* 21) and tell me whether this is one of the papers you ſeized upon that occaſion?

A. It is.

Mr. Reuben Smith (ſworn.)

Examined by *Mr. Garrow.*

Q. Are you acquainted with Mr. William Stone?

A. Yes.

Q. Have you ſeen him write?

A. I have.

Q. Look at this paper, and ſay whether you believe it to be Mr. William Stone's hand-writing?

A. I think it is.

Q. Look at the addreſs—Do you believe that to be likewiſe Mr. Stone's hand-writing?

A. There is a variation in the addreſs that I can hardly ſpeak to; the body of it I believe to be his.

Q. Does it appear to you to be his hand-writing, though varied, or is there a doubt in your mind whether it is his hand-writing or not?

A. It is the character of Mr. Stone's writing, but in ſome reſpects it is varied.

Q. The body of the letter, and the reverſed ſignature, you have no doubt are Mr. Stone's?

A. The body of the letter has the appearance of being Mr. Stone's hand-writing.

Q. And the ſignature?

A. The name being reverſed, I can hardly ſpeak to that.

Q. With reſpect to the ſuperſcription, do you believe that to be written by Mr. Stone, though the character is altered?

A. I hardly know how to anſwer that queſtion; there ſeems to be a difference.

Q. Is the variation ſuch as to make you doubt whether he wrote it?

A. There

A. There is a variation of the character: there is a part is familiar to me as his writing; the "P" is not familiar to me.

Q. Do you believe the contraction "Mr." is written by Mr. William Stone?

A. Yes, I believe it is.

Lord Kenyon. Upon the whole, judging as well as you can, do you believe it is his hand-writing?

A. I ſhould think it is; but there is ſome variation from his ordinary character.

Mr. Reuben Smith,

Croſs-examined by *Mr. Serjeant Adair*

Q. Are you well acquainted with Mr. Stone's hand-writing?

A. I have ſeen him write many times.

Q. Are you ſo acquainted with it as to enable you to form a competent judgment of his hand-writing?

A. Yes, I think ſo.

Q. Have you always ſaid ſo—or rather have you never ſaid otherwiſe?

A. I do not think I ever did ſay direct otherwiſe in my life: I ſhould ſay it is a very difficult thing to ſwear to hand-writing.

Q. Have you never to any body expreſſed a doubt with reſpect to Mr. Stone's hand-writing?

A. No, never.

Mr. Peter Longrigge (ſworn)

Examined by *Mr. Law.*

Q. Are you acquainted with Mr. William Stone's hand-writing?

A. Yes.

Q. Have you ſeen him write?

A. Frequently.

Q. Look at that letter *(ſhewing it to the witneſs)* and ſay whether you believe it to be his hand-writing?

A. I believe the body of the letter to be his hand-writing.

Q. Does

Q. Does the direction ſtrike you as his hand-writing, from your knowledge and recollection of his hand?

A. It does.

[*No* 21, *read.*]

" Dear Sir,

" I yeſterday reced yours of the 5th inſtant. I am happy " you find yourſelf ſo agreeably ſituated where you are. I have " received no letter for you, but the day after you left me I " reced one, to ſay your firſt letters were received. I have " received another ſince, in which mine was acknowledged, " which I wrote the poſt after Gillet was with us, but no men- " tion was made of any other.

" I have not made uſe of what you left with me. What a " wonderful change there is in the family; will it tend to good? " I confeſs I think better of it now than before. I want what " you poſſeſs, a knowledge of the ſeveral branches of it, to form " a proper judgment of their conduct in the laſt fracas.

" Political affairs ſeem taking a ſtrange turn, if we take into " our view the great whole. I ceaſe to wonder at any thing. " *We* ſeem, I think, to be the only party reſolved to go on with " vigour. The King of Pruſſia publicly avows his diſinclina- " tion; and I think the French, as well as the Emperor, ſhew " it by their inaction; but to what can the proſcription now " going forward in Paris tend? Will it purify them, and make " their conduct leſs exceptionable, and their Government more " fix'd and permanent. I really feel a kind of awe in thinking " on thoſe ſubjects, and ſee every day new matter to aſtoniſh me. —" We are all tolerable well.

" I remain yours, very truly,

" April 11th, 1794. " W. ENOTS.

" P. S. Since writing the above I have received a letter, in " which is, " I have received our friend's letters, and you muſt " tell him, that having given them to the proper people, he " muſt, in future, addreſs his friend Nicholas, and not me;" and " in the concluſion, he particularly requeſts he may not be writ- " ten to.

" I feel particularly happy that the ſeveral letters have been " received, and I truſt that even in the peculiar circumſtances " of the family, they will produce proper effects."

Mr. Garrow. (*To Mr. Maclean.*) Look at theſe papers, No. 11, No. 11*, and No. 12—did you find them at Mr. Stone's houſe at Old Ford?

A. Yes.

Mr. Garrow. (*To Mr. Longrigge.*) Look at No. 11—do you believe that to be the hand-writing of Mr. William Stone?

A. Yes.

Q. Do you believe No. 11* to be his hand-writing?

A. That is not.

Q. Is any part of it Mr. Stone's hand-writing?

A. There is a poſtſcript which has ſince been croſſed through, part of the writing on the ſecond ſide of the ſheet, and part on the third ſide of the ſheet, are Mr. Stone's hand-writing.

Q. Look at No. 12, do you believe that to be Mr. Stone's writing?

A. No part of this, that I ſee, is Mr. William Stone's.

Q. Do you know whoſe hand-writing it is?

A. I do not.

Mr. Peter Longrigge,

Croſs-examined by *Mr. Serjeant Adair.*

Q. Do you know whether this firſt page of No. 11*, is Mr. Stone's hand-writing?

A. It is not, except what is croſſed out.

[*No.* 11, *read.*]

" Excluſive of poſitive information of the temper of the Coun- " try, it may be known by people at a diſtance by the fol- " lowing ſigns:

" There are no petitions againſt the war.

" There

« There are courtly verdicts given by juries, with few ex-
« ceptions.

« There are no mobs, though much diſtreſs.

« There is much readineſs to enliſt as ſoldiers.

« There is much quietneſs in being impreſſed on the part of
« ſeamen.

« The votes of Parliament are nearly unanimous, though
« the Parliament has run through half its length, and the
« members of the Houſe of Commons look to their re-election.

« The ſtability of Lord Chatham continues in defiance of all
« his neglects.

« Terror pervades the friends of liberty, who would ſoon ſhew
« a different appearance, if they were countenanced by the ma-
« jority of the people.

« The temper of England is in favor of the firſt French
« Revolution, but not of the ſecond. However, on the whole,
« it ſhews ſymptoms of being adverſe to the preſent ſituation of
« the WAR, not from diſliking its principles, but from ſeeing
« little profit in it. At the ſame time that they think its main
« object unattainable (namely, the overthrow of the preſent
« French ſyſtem) they would be more earneſt for peace, had
« they either ſuffered enough, or did they think the preſent
« French Government ſincerely diſpoſed to peace.

« There are many perſons attached to the principles of
« the French Revolution in England, if they are reckoned
« numerically, but they are as nothing compared to the great
« maſs of the people who are indiſpoſed to them.

« In Scotland the proportion of Democrats is encreaſing, but
« they are as yet but a ſmall minority.

« Ireland will follow the Democracy of Scotland, each of
« theſe countries wants time only to convince itſelf in its own
« way, but it will not be convinced by a French invaſion.

« If France were to invade England, every man would turn
« out from good will or from fear, and the few who are diſcon-
« tented would be quelled with eaſe, as the French citizens were
« by La Fayette in the Champ de Mars, or the diſaffected lately
« by the Commiſſioners in Alſace.

" There could be but one line of conduct for Engliſhmen " to purſue, ſhould the Country be invaded—they muſt de- " fend it.

" Wars being but the means of attaining peace, and the " well meaning among the ſubjects of the confederates being " told that the French, are ſo adverſe to peace, or aſk ſuch pre- " liminaries that it is in vain to treat with them, it would be " highly uſeful if France declared, after any new ſucceſſes which " ſhe may hereafter obtain,

" Her averſion to conqueſt,

" Her diſpoſition to peace,

" Her deſire that other nations ſhould govern themſelves,

" Her determination of changing this ſyſtem, if the war " againſt her is continued. And it would be uſeful alſo if " every convenient opportunity were taken of declaring that " her preſent Government is revolutionary, and that the con- " ſtitution of June laſt will be acted upon at the peace, and " alſo if ſhe declared her regret at the neceſſity of uſing harſh " meaſures, and now and then employed philanthropic language, " which has an aſtoniſhing effect in pacifying the Engliſh, and " indeed in pacifying Europe.

" It would tend much to conciliate the minds of the Engliſh, " were the Convention to decree the liberation of all the " Engliſh now in a ſtate of arreſt, unaccuſed of crimes, and " reſtoring to them their property, at the ſame time allowing " them to leave the Country within a certain ſpace of time.

" It would tend alſo much to create an averſion to the war, " were the Convention to decree the terms on which they " would make peace. This conduct would be magnanimous, " and if they did not hold out terms extravagant, the people " of this Country would not heſitate to ſpeak their averſion to " a continuance of the war.

" It would be very adviſeable to have copies of the more " important decrees and reports lodged at Havre to come hither " by neutral veſſels, for the purpoſe of being tranſlated."

[*No.*

[*No.* 11*, *read.*]

« Excluſive of poſitive information of the temper of the Coun-
« try, it may be known by people at a diſtance by the following
« ſigns:

« There are no petitions againſt the war.

« There are courtly verdicts given by juries, with few ex-
« ceptions.

« There are no mobs, tho' much diſtreſs.

« There is much readineſs to enliſt as ſoldiers.

« There is much quietneſs in being impreſſed, on the part of
« ſeamen.

« The votes of Parliament are nearly unanimous, though the
« Parliament has run through half its time; and the Members of
« the Houſe of Commons look to their re-election.

« The ſtability of Lord Chatham continues, in defiance of all
« his neglects.—Terror pervades the friends of liberty; who
« would ſoon ſhew a different appearance, if they were counte-
« nanced by the majority of the people, [ſeeing that there are no
« regular troops in England but militia, and a few cavalry who
« are ſtationed near the coaſt only.]

« The temper of England is in favour of the firſt French Re-
« volution, but not of the ſecond. However, on the whole, it
« ſhews ſymptoms of being adverſe to the preſent ſituation of the
« WAR, not from diſliking its principles, but from ſeeing
« little *profit* in it, at the ſame time that they think its main ob-
« ject unattainable, (namely the overthrow of the preſent French
« ſyſtem) they would be more earneſt for peace, had they either
« ſuffered enough, or did they think the preſent French Go-
« vernment ſincerely diſpoſed to peace.

« There are many perſons attached to the principles of the
« French Revolution in England, if they are reckoned nume-
« rically; but they are as nothing, compared to the great maſs of
« the people who are indiſpoſed to them.

« In Scotland the proportion of Democrats is encreaſing;
« but they are as yet but a ſmall minority.

" Ireland will follow the Democracy of Scotland, but will " remain quiet at preſent.

" Each of theſe countries wants time only to convince itſelf " in its own way; but it will not be convinced by French prin- " ciples, and ſtill leſs by a French invaſion.

" With the ſame eaſe with which France furniſhes a navy of " 68 ſhips, England could furniſh twice that number. She " would, beſides this, borrow ſhips from Holland, Spain, and " Portugal, and man them with a mixture of landſmen and fo- " reigners.

" If France were to invade England, every man would turn " out, from good-will or from fear; and the few who are diſcon- " tented would be quelled with eaſe, as the French citizens were " by La Fayette in the Champ de Mars, or the diſaffected lately " by the commiſſioners in Alſace.

" Wars being but the means of attaining peace, and " the well-meaning among the ſubjects of the confederates " being told that the French are ſo adverſe to peace, or aſk ſuch " preliminaries, that it is in vain to treat with them, it would be " highly uſeful if France declared, after any new ſucceſſes which " ſhe may hereafter obtain,

" Her averſion to conqueſt,

" Her diſpoſition to peace, [and the terms on which ſhe would " treat if thoſe were moderate (magnanimous) it would have a " wonderful effect on the people of this Country in creating an " averſion to the war, liberating the unaccuſed Engliſh by a " decree, reſtoring to them their property, and giving them " leave to depart.]

" Her deſire to let other nations govern themſelves;

" Her determination of changing the ſyſtem of the war " againſt her, if continued; and it would be uſeful alſo if every " convenient opportunity were taken of declaring that her preſent " Government is revolutionary, and that the Conſtitution of " June laſt will be acted upon at the peace;—and alſo if ſhe " declared her regret at the neceſſity of uſing harſh meaſures; " and now and then employed philanthropic language, which

" has

" has an aſtoniſhing effect in pacifying the Engliſh, and indeed " in pacifying Europe.

" [The great objection in the Engliſh to treating for peace, " lies in the fear that the propoſal will be rejected by France " particularly,] without ſome ſtrange preliminaries are acceded " to; ſuch as acknowledging the Sovereignty of the People, " &c. &c. They ſuppoſe too that France cannot treat of peace " till the French territory is cleared of its enemies; whereas the " Conſtitution only ſays, that peace ſhall not be concluded " without it.

" It would be very adviſeable to have duplicate copies of the " more important reports and decrees lodged at Havre, to come " here by neutral veſſels, for the purpoſe of being tranſlated.

[" Qu. Does not the forced loan allow the lender to take *lands* " in exchange for his debt?]

" There could be but one line of conduct for Engliſhmen to " purſue, ſhould the Country be invaded. [On ſuch an occaſion " there would be but one mind through the whole nation.] " They muſt defend it.

[" It would tend much to conciliate the minds of the Engliſh, " were the Convention to paſs a decree, liberating all the Eng- " liſh now in a ſtate of arreſt, unaccuſed of crimes, and re- " ſtoring to them their property; at the ſame time obliging them " to leave the Country if the Convention ſhould ſee fit.—It " would tend alſo much to create an averſion to the war, were " the Convention to decree the terms on which they would " make peace. This conduct would be magnanimous; and if " they did not hold out terms too extravagant, the people of this " Country would not heſitate to ſpeak their averſion to a conti- " nuance of the war."]

NOTE, *The paſſages in the above letter, within crotchets, were ſtruck through with a pen.*

[*No.* 12, *read.*]

" Dear Sir,

" I was a good deal ſurprized the other day at the degree of

" credit which you appeared to give to the rumour of a French " invaſion; but as I know many are of your opinion, and many " more affect to be ſo, I feel deſirous of ſtating to you the " reaſons why I cannot but diſregard any ſuch apprehenſions.

" In the firſt place nothing appears to me more clear than " that thoſe who are now at the head of affairs in France are too " wiſe to make ſuch an attempt, without a proſpect of ſome " advantage adequate to the riſque which muſt be incurred by " both the army and the fleet employed in the ſervice;—and " this advantage I ſhould think muſt be ſomething more than " merely the burning a few towns and villages, (ſuppoſing even " that to be accompliſhed), or the creation of a temporary alarm. " From general hiſtory too, and yet more ſtrongly from their " own recent experience, muſt they be aware of the difficulty of " a hoſtile army's making any laſting impreſſion on a people " unwilling to receive them, and eſpecially on an Iſland in poſ- " ſeſſion of a ſuperior navy, and which can at any time call other " fleets to its aſſiſtance.—If all this be true, it is ſcarcely reaſon- " able to expect ſuch attempt, unleſs the French flatter them- " ſelves with the hope of co-operation on this ſide—an expecta- " tion as far as I am able to judge, ſtill leſs likely to be realized " than even that of ſucceſs without it.—That numbers here " are diſguſted with the war I have no reaſon to doubt, but no " ſymptoms have yet appeared of any general diſapprobation of " Government, on the contrary miniſters ſeem to have been " ſucceſsful in raiſing a ſtrong ſpirit of attachment to every " branch, I might almoſt ſay to every abuſe of the Conſtitution, " nor do I think it poſſible for any man who impartially views " the ſtate of things and of parties in this Country, to expect " any other effect from an invaſion, than an almoſt univerſal " riſing of the people to defend themſelves againſt an attempt " which they would conſider as levelled at their Conſtitution " and liberty, and which they would therefore execrate and reſiſt " as much as the French did the Duke of Brunſwick's irruption. " Much has been ſaid of the progreſs of French principles here, " if by this be meant no more than that at one time the opinion " was rapidly ſpreading of the French Revolution having a

" favourable aſpect on the happineſs of Europe and of mankind,
" I firmly believe it—and I believe alſo, that a pretty general
" perſuaſion alſo prevailed of the exiſtence of ſuch abuſes in our
" own Government as required a reformation ſpeedy and ef-
" fectual—partly however from natural cauſes, and partly from
" artifice, I am convinced that theſe opinions have much de-
" creaſed both in force and in extent: and that tho' the tide
" may turn, yet that it is not by an invaſion that ſuch a revolution
" would be brought about.—We ſhould only wrap our cloak
" tighter around us, like the man in the ſtorm, and refuſe every
" offer of fraternity, which came in ſo queſtionable a ſhape.

" Sincerely wiſhing for peace, and thinking that theſe rumours
" of invaſion are induſtriouſly circulated with the view of ex-
" aſperating the people and of rendering them more in earneſt for
" the war; I ſhould be very deſirous of ſtating publicly in
" Parliament, every idea I have here communicated to you, if
" I did not know that my general attachment to the cauſe of
" liberty and the ſatisfaction which I have repeatedly expreſſed
" at the overthrow of deſpotiſm in France, have rendered me
" to a very conſiderable degree obnoxious, and expoſe my
" ſentiments to miſrepreſentation of the moſt invidious kind;
" I truſt however that a more pacific and liberal temper will
" prevail, &c."

William Smith, Eſq. (ſworn)

Examined by *Mr. Attorney General.*

Q. Do you know Mr. William Stone?

A. I do.

Q. How long have you known him?

A. I was called upon upwards of two years ago to ſtate how long I had known him; I believe I ſaid then two or three years, that was two or three years before.

Mr. Attorney General. Be ſo good as not to allude to any thing you were aſked before, unleſs you are aſked any queſtion that alludes to it.

Lord

Lord Kenyon. How long have you known him?

A. I believe ſix or ſeven years.

Mr. Attorney General. Look at that paper, (No. 12.) do you know whoſe hand writing that is?

A. It is my hand writing.

Q. Did you give that paper to Mr. William Stone?

A. I gave it to him in ſome manner or other.

Q. Is it your hand writing?

A. Yes.

Q. It has been proved to be found in the poſſeſſion of Mr. Stone, do you know how it paſſed from you to Mr. Stone?

A. It either paſſed to him by my ſervant or by his ſervant; I either ſent it to him or he ſent for it, I certainly ſent it him.

Q. Had you any converſation with Mr. Stone about any perſon of the name of Johnſon or Jackſon, previous to ſending that paper?

A. I had.

Q. At what place had you that converſation?

A. It was at an accidental meeting at Freemaſons Tavern, the converſation could hardly be ſaid to be about a Johnſon or Jackſon, but ſuch a perſon's name was mentioned in the converſation.

Lord Kenyon. Was the name Johnſon or Jackſon?

A. The name I believe was Jackſon.

Mr. Attorney General. Do you recollect Mr. Smith, as this ſeems to be an important paper, what the nature of the converſation was that induced you to write this paper, as far as the converſation paſſed between you and Mr. William Stone?

Mr. Smith. Is it wiſhed that I ſhould now ſtate as nearly as I can what paſſed at that meeting?

Mr. Attorney General. Yes, what paſſed at that meeting between you and Mr. William Stone—you will conſider that the Jury are to determine upon the facts which you relate, you will ſtate what thoſe facts were as well as you recollect them.

A. It is neceſſary for me, before I give any relation of thoſe facts, to ſtate that I was queſtioned upon this ſubject two years ago.

ago. I think it abſolutely neceſſary to ſtate what I am about to ſtate, and I appeal to his Lordſhip whether I am right or wrong in ſo doing; I mention it becauſe I do not pretend to be able at the diſtance of two years to ſtate with perfect correctneſs what paſſed in an accidental converſation at a Tavern, and which is the only one I ever held upon the ſubject with Mr. Stone; but I was called upon within a ſhort time after to ſtate what paſſed upon that converſation, when it was much more freſh in my memory, and what I then did ſtate I ſtated upon my oath; and therefore I think it right to ſay, that if there ſhould be any ſmall variations, or indeed any differences in the relation I may now give, and that which ſhall appear upon that paper, it ariſes out of the natural conſequences of the caſe, and for which I hold that my memory only may be anſwerable, and certainly not my intention.

Q. Do you mean your examination before the Privy Council?

A. I do.

Q. State what paſſed, on ſuch a recollection that you can take upon yourſelf to ſay, it is the ſubſtance of what paſſed?

A. Certainly.—At one of the meetings at Freemaſons Hall, Mr. Stone came to me, and ſaid words to this effect—" Mr. Smith, my correſpondence with my brother has been interrupted for a conſiderable time, but a perſon has lately brought me a letter from him, to which he requeſts that I would ſend him an anſwer; he appears to be very much alarmed with the apprehenſion that the French intend to invade this Country, but he thinks if any means could be afforded him of counteracting impreſſions which are there entertained, reſpecting the ſtate of affairs in England, it may be advantageous." Mr. Stone himſelf appeared to me alſo——

Mr Attorney General. Be ſo good as tell us what he ſaid, not how he appeared.

Mr. Smith. When I ſay appeared, I mean from his expreſſions and manner; but, to get rid of all the inconvenience, I will ſay how he expreſſed himſelf.

Q. Be ſo good as inform us what he ſaid and did, and the Jury will be to determine upon it?

A. It

A. It will be impoſſible to ſtate all he ſaid.—Mr. Stone expreſſed himſelf alſo under ſimilar alarm. He aſked me, as near as I can recollect, what my opinion was upon that ſubject: I told him, in effect, I do not know in what words, that I thought he muſt be very well acquainted with my opinion upon that point; becauſe he muſt often have heard me expreſs my perſuaſion, that ſuch an attempt would never be made; and I believe I might ſtate reaſons at the time very nearly ſimilar to what I have in that paper. After ſome little converſation of the ſame kind, he told me, that "he had had ſome communication with Mr. Vaughan, whom I knew, upon the ſame ſubject; and that Mr. Vaughan had told him, that he thought there could be no impropriety in giving his brother that general information for which he ſeemed to wiſh; and that Mr. Vaughan had given him a paper, containing ſome of his opinions on that head." Either at this or in ſome other part of the converſation he ſhewed me this paper, and I believe he aſked me my opinion of it, but I am not quite ſure; ſome converſation enſued upon it. I told him I thought that the opinions in that paper might be very true, or words to that purport, but that its expreſſions appeared to me in many points exceptionable; he informed me, that he had ſhewn it to ſeveral other gentlemen, who were, I think I underſtood from him at the time——

Q. Did he name any body he had ſhewn it to?

A. He mentioned "that he had ſhewn it to my Lord Lauderdale and Colonel Maitland;" I am not quite ſure whether he mentioned any other perſon or not; "that they appeared, upon the whole, to think that the paper was innocent, but that they alſo had objected to many expreſſions, or to ſome expreſſions in this paper; but I am ſure he gave me to underſtand that he did not mean to make any uſe whatſoever of this paper, if, upon conſulting any friends, they ſhould adviſe him againſt it.

Q. Do you mean by this paper, Mr. Vaughan's paper, or your paper?

A. The paper I mean that was ſhewn to me as Mr. Vaughan's.

Q. Did any thing further paſs between you, or did you part with him then and write your paper? *A.* I

A. I am endeavouring to recollect whether any thing further did paſs or not; I cannot recollect that any thing material further paſſed, excepting I believe I told him "that, leſt he ſhould forget or miſunderſtand me, that I would put down what I had ſaid to him in writing."—I do not particularly recollect any thing further that paſſed.

Q. I underſtood you that he ſaid his correſpondence had been interrupted for a conſiderable time?

A. I am almoſt certain that he did.

Q. And I think you ſaid he gave you to underſtand that he did not mean to make any uſe of Mr. Vaughan's paper, if, upon conſulting any of his friends, they ſhould adviſe him againſt it?

A. I have an impreſſion upon my mind that he gave me to underſtand that.

Q. You have ſtated that he ſaid a perſon had brought him a letter—did he mention who that perſon was?

A. Only "that it was an American gentlemen, of the name of Jackſon," I believe he mentioned; but if he had ſaid it was any other name it would have been the ſame to me.

Q. That his brother appeared to be alarmed, and that he himſelf expreſſed conſiderable alarms of the ſame kind?

A. I think he, Mr. William Stone, expreſſed conſiderable alarms.

Q. You objected to ſome paſſages in Mr. Vaughan's letter, as exceptionable.

A. I do not recollect that I pointed out particular paſſages; but I ſaid, as far as I recollect, "that there were exceptionable paſſages in it."

Q. You do not know where Mr. Vaughan now is?

A. Not in the leaſt; I have neither ſeen him nor heard of him for a year and a half.

Q. Did Mr. Stone inform you whether the gentleman who had brought this letter was going to any other part of the King's dominions?

A. Not a ſyllable tending towards it.

Q. Did he inform you whether this paper that you ſent him was to be communicated to any other perſon, and, if to any other perſon, to whom?

A. I

A. I underſtood from him—I do not mean to ſay what words he uſed—but I underſtood from him, that what his brother wanted of him was rather that he would aſk of any half-dozen or half-ſcore of his friends (of whom I underſtand he pointed out ſome) what their opinions were, rather than that he would ſend any paper from this, that, or the other perſon. That was the underſtanding I had of it, though I am incapable of ſaying what words he expreſſed himſelf in.

Q. Did you ever happen to ſee Mr. Stone afterwards?

A. I do not recollect that I ever ſaw him afterwards; if I did, it muſt have been very tranſiently indeed; for I do not know that I have exchanged ſix words with him from that day to this.

Q. Have you never heard from Mr. Stone, one way or other, whether he had or not made any uſe of the paper you gave him?

A. I can ſay, confidently, that I never heard from that moment what became of the paper I ſent to him, or Mr. Vaughan's paper, till I heard that Mr. Stone was apprehended in conſequence of the appehenſion of another perſon, whoſe name I then recollected to have been the ſame with the name he mentioned to me; and when I heard that the paper of Mr. Vaughan was found, either in his poſſeſſion or in ſome other perſon's poſſeſſion out of the Kingdom, I was very much ſurpriſed at the circumſtance.

Q. I think you ſaid Mr. William Stone informed you himſelf that Lord Lauderdale and Colonel Maitland had ſtated that there were exceptionable paſſages in this paper?

A. I rather think ſo—that is the impreſſion upon my mind; but not that we entered into any particulars about the paper.

Q. You ſay Mr. Stone told you that an American gentleman had come from his brother in conſequence of the interruption of their correſpondence?

A. No, not in conſequence of the interruption of their correſpondence.

Q. But that this American gentleman was in this Kingdom—had you the curioſity to aſk who he was?

A. I

A. I do not recollect that I aſked him one ſingle ſyllable about him.

Q. Did he mention whether he was a merchant, or, what was his character?

A. I do not recollect that he ſaid any other of him but that—"he was an American gentleman"—nor from what I have had occaſion to know, or to hear, do I believe that Mr. Stone knew.

Mr. Attorney General. You are not aſked to your belief. Then he did not tell you who this American gentleman was?

A. No he did not.

Q. Look at that paper, (No. 11 *) do you recollect whether that is the paper or not, that he ſhewed you as Mr. Vaughan's paper?

A. I could not, in the leaſt degree ſwear to this, as being the paper, excepting ſo far as this, that it correſponds in point of language with that which I have ſeen; it was ſome ſuch paper as this; but that is all I can ſay to it. If I remember rightly, there were ſome ſcratches upon the paper, in the manner in which this is ſcratched; but that is all I can ſay to it.

William Smith, Eſq.

Croſs-examined by *Mr. Erſkine.*

Q. You have ſtated that you have been acquainted with Mr. Stone, for ſix or ſeven years; were you in any confidence at all, or merely a common acquaintance?

A. I cannot ſay I was in confidence with Mr. Stone.—I am ready to ſtate of what nature my acquaintance with him was—it was having been occaſionally in his company; I believe, at the houſe of Doctor Crauford, who married Mr. Stone's Siſter, meeting him frequently at Freemaſon's Hall, where he came every now and then; and, Mr. Stone's applying to me, to endeavour to get paſſed in Parliament a bill reſpecting the trade that he carried on; which I think he told me General Murray had taken in hand but had for ſome reaſon or other deſerted. I undertook to go to Mr. Roſe upon that buſineſs for him; and, in conſequence of that, Mr. Stone came to me ſeveral times;

and

and that produced almoſt the only intimacy that I had with Mr. Stone.

Q. I meant only to collect, that there was no particular intimacy between you, but only a common acquaintance?

A. Yes. I never was at Mr. Stone's houſe.

Q. You are a Member of the Houſe of Commons?

A. I am.

Q. I do not enquire into your circumſtances—but you are a man of property?

A. I am.

Q. Mr. Stone knew that you were a man of large property in this Country, and a Member of the Houſe of Commons?

A. Mr. Stone had reaſon to be acquainted with my circumſtances.

Q. When Mr. Stone introduced this converſation to you, did he introduce it as a matter of confidence—did he tell it you as any ſecret, as any matter which you were not to ſpeak of to others?

A. He impoſed no confidence on me; he acquainted me, that he had mentioned it to ſome other perſons; and, I believe he ſaid, that he intended to mention it to more.

Q. You have related the ſubſtance of what paſſed between Mr. Stone and you; but you ſaid you could not ſtate the exact words which came from Mr. Stone. I ſhould not put the queſtion which I am now about to put; but, as you do not remember all that he ſaid in the very terms in which he expreſſed what he ſaid, I think I am entitled to aſk this queſtion—whether, from the impreſſion on your mind at the time, from all he did ſay, you conſidered it as matter of any great delicacy, or as any-thing criminal?

Lord Kenyon. God knows what may be a matter of delicacy or confidence, I cannot tell.

Mr. Erſkine. I do not mean to urge the queſtion, if it is not a legal one—the queſtion occurred to my mind, becauſe the witneſs does not undertake to ſtate exactly the words in which Mr. Stone expreſſed himſelf. I will aſk this queſtion, whether you would

would have conducted yourſelf in the manner you did, if the matter had ſtruck you in a criminal point of view?

Mr. Attorney General. I muſt object to that queſtion.———

Lord Kenyon. Many people may form different opinions upon that, ſome may think thoſe things very meritorious, which others may think very criminal, and *vice verſa.*

Mr. Attorney General. I will, to the beſt of my power, ſee that this trial goes on according to the law of the Country.—I cannot take Mr. Smith's opinion about the conduct of Mr. Stone, the Jury are to judge upon facts as they are related?

Mr. Erſkine. I do not feel myſelf extremely anxious about it—and I am ſure the Attorney General makes this objection becauſe he honeſtly thinks it is a proper objection.—No man who has been here, as I have during the courſe of this day, could doubt of that, if I had not various other means of knowing it; but as Counſel for the Priſoner, I muſt ſtate my humble idea upon the ſubject; and, how far I think conſiſtently with the law of England, (for conſiſtently with no other law can the queſtion be put here) that this queſtion may be put;—there certainly are many men of many minds; and I am not aſking Mr. Smith his judgment, whether this was a criminal, an innocent, an indifferent, or a ſuſpicious matter; for, if I aſked him that, I ſhould be then aſking that which it might be for your Lordſhip or the Jury to pronounce, but I am aſking what ſtruck his mind at the time.

Lord Kenyon. I do not know what kind of examination it may afterwards open for the Attorney General, it may warrant him in aſking a great many queſtions, which I ſhould be very ſorry to have aſked in a Court of Juſtice; if we admit this, a great deal may be aſked of any gentleman who comes here, reſpecting the bearing of all his political opinions. I do not mean to put this perſonally and invidiouſly of Mr. Smith; but if a perſon of another deſcription were here—ſome perſons have had opinions hoſtile to both the religious and civil eſtabliſhments of the Country; and thoſe perſons, if they have formed their opinions fairly, if they do not act upon them, if no overt acts are produced, between God and themſelves be it—no human judica-

ture has a right to conſider of it. If this queſtion is to be aſked a witneſs, whether he ſhould have held the conduct that he did, if he had thought it to have been improper; that will lead perhaps into an enquiry of every witneſs that comes here, what his opinions of the affairs of ſtate and religion are?

Mr. Erſkine. I have been led into error probably from my late practice, becauſe I was allowed to aſk ſimilar queſtions, Whether the witneſſes would have attended certain Societies if they thought ſo and ſo. I was ſo long upon it, for a fortnight together, that I fell into theſe queſtions, having been permitted by a very high Court—ſome of the Judges who now ſit here, ſat in that Court.

Mr. Serjeant Adair. I believe I can venture to aſſert this with confidence before one of the Judges now preſent, that I ſhould not have ſtated too many, if I had ſaid fifty witneſſes were aſked if they would have continued Members of the Correſponding Society if they had believed that Society to have illegal objects in view.

Lord Kenyon. That queſtion, for any thing I know to the contrary, might be properly aſked, but we are now at a very remote diſtance from that queſtion.

Mr. Erſkine. In the courſe the cauſe is taking, I feel it leſs my duty to inſiſt upon it; but I would ſuggeſt, that this gentleman is the Crown's witneſs, and for any thing that may appear to your Lordſhip and the Jury, the witneſs may be a perſon implicated in the tranſaction, though we know Mr. Smith not to be ſo; but we muſt not look to the particular witneſs giving his teſtimony, for the obſervation would apply to any witneſs; this might be an act ſuppoſed to be done by Mr. Stone, conceiving he had ſome ſafety and advantage in making a communication to A. which he would not make to B. and therefore I ſhould have thought (but I am corrected by the judgment of the Court, and I don't mean to ſtruggle againſt it) that it might be material to collect, from the ſituation and character of the witneſs, what was the reaſon that he did not do that, which if a man had thought there was any thing criminal in what he was hearing, he undoubtedly would have done, and I might

put this queſtion to Mr. Smith at once—Why he did not give information to the Secretary of State of what he had heard from Mr. Stone?

Lord Kenyon. You may aſk him why he did not communicate it to the Secretary of State?

Mr. Attorney General. I wiſh to ſtate what this leads to. I will ſay I blame myſelf a little with reſpect to ſome proceedings alluded to, for not having done what perhaps it was my duty to do as Attorney General; but where is this to end? Suppoſe I were to ſtate to that gentleman (I am not ſaying a ſyllable that the fact would authorize me in this caſe) but ſuppoſe I were to ſay to that gentleman, you have already ſaid that the gentleman at the bar told you ſuch and ſuch things; I put that merely hypothetically, which it has been already proved to the Jury, over and over again, are not true; if you had then known that theſe relations were not true, what ſhould you have thought? Would any Court permit me to aſk that queſtion?

Lord Kenyon. No, to be ſure.

Mr. Juſtice Lawrence. I do not recollect that point ſtated by my brother Adair being particularly debated; that thoſe queſtions were aſked I dare ſay, but one great enquiry there was, what was the object of thoſe ſeveral Societies? it was only enquiries whether ſuch and ſuch things were their object; that is, whether in the courſe of their attending upon thoſe Societies, they ever obſerved any thing which would lead to that? not whether it was their opinion that it was legal or not? We have from Mr. Smith the converſation between him and Mr. Stone, that Mr. Stone put the queſtion to him without any injunction of ſecrecy, or any confidence.

William Smith, Eſq.

Re-examined by *Mr. Attorney General.*

Q. I preſume whatever anſwers you have given to the queſtions, addreſſed by my learned friend, you mean now to ſtate to this Jury, that you gave, in anſwer to the queſtions I had the honour to addreſs to you, what you knew upon the ſubject?

A. I did.

Richard Brinſley Sheridan, Eſq. (ſworn)
Examined by *Mr. Law.*

Q. Do you remember Mr. William Stone's applying to you ſome time in the month of March, 1794, and communicating to you any thing reſpecting an American gentleman, ſtated to have arrived about that time?

A. Yes.

Q. Will you have the goodneſs to relate what he ſtated upon that occaſion?

A. It was very ſoon afterwards, I believe, that I ſtated the whole of the converſation, in writing, which was delivered———

Mr. Law. We cannot refer to that, we muſt take it from your preſent memory?

A. That would be more likely to be a more correct ſtatement—I recollect perfectly well Mr. Wilſon, a gentleman whom I know, writing to me, from the Whig Club I think his letter was dated, ſtating that he wiſhed to call upon me?

Q. We cannot go into the contents of this letter; you will ſtate what Mr. Stone ſaid when he came to you?

A. I was going to ſtate the occaſion of my ſeeing Mr. Stone. In conſequence of ſome letter I expected to have met my Lord Lauderdale and Colonel Maitland at my houſe, to meet ſome gentleman that Mr. Wilſon ſtated in his letter he would bring with him, who would communicate ſomething to me of importance. I found in the morning that Lord Lauderdale and Colonel Maitland had called, I did not ſee them, and afterwards Mr. Wilſon introduced to me a gentleman, whom he named then as Mr. Stone. I thought at the time that I had never ſeen Mr. Stone before. I underſtood afterwards that I had been once in company with him at dinner—he ſtated him to be the brother of Mr. Stone, whom I had knowledge of, and who was then at Paris, and that he was deſirous of communicating ſomething to me, to have my opinion upon it, which he, Mr. Stone, thought would give him an opportunity of doing a very eſſential ſervice to the Government, and to his Country. Either Mr. Wilſon,

Wilſon, or Mr. Stone, then informed me that they had already ſeen at the coffee-houſe Lord Lauderdale and Colonel Maitland, and that they had communicated to them that which Mr. Stone wiſhed to communicate to me. Mr. Stone then opened the buſineſs, by ſaying that he wiſhed to have my opinion upon ſome line of conduct which he propoſed to purſue, in which he conceived he might be of very great public benefit, or ſome words to that effect. I underſtood him to be repeating to me what he had already communicated to Lord Lauderdale and Colonel Maitland; that he had frequent communications from his brother in Paris, whom he reminded me of being a perſon I was acquainted with; that he underſtood from thoſe communications that the idea of attempting an invaſion in this Country was certainly a plan ſeriouſly and peremptorily reſolved upon by the executive Government in France. Mr. Stone then ſtated, ſpeaking of it as if from the information he had received from his brother, that this idea was adopted, and likely to be purſued, upon an opinion which he himſelf conceived to be very ill grounded of the general ſtate of the public mind, and the prevalence of general diſcontent in this Country. He then proceeded to ſtate, that the ſervice which he thought he could effect would be by being the means through this circuitous channel of communication—I did not underſtand from him what the mode of his communicating with his brother was, but he ſtated generally that he had a mean of communicating with his brother, that that communication was likely afterwards to reach the Government of France, and that the ſervice he could be of, would be undeceiving thoſe who had the power in France, through his brother, upon this ſubject, and by being the means of communicating to them the real ſtate of the Country, and convincing them how little could be expected of any thing like aſſiſtance or co-operation from any deſcription of men whatever in this Country; that he conceived and hoped that the conſequence might be their abandoning a project evidently taken up upon falſe information. Mr. Stone then ſtated, that in order to effect this purpoſe, he had endeavoured to collect the opinions of ſeveral gentlemen, political characters in this Country, whoſe opinions

he thought would be of authority ſufficient to advance his object; that for this purpoſe he had had interviews with different gentlemen; he named Mr. Smith, and I think one or two more, whoſe names I do not now recollect; he named ſome gentleman connected with Adminiſtration—if the Counſel will remind me of the name———

Mr. Law. Upon the croſs-examination, if the gentlemen know the circumſtance, they will mention it.

Mr. Sheridan. It was a circumſtance that gave an impreſſion to my mind of the fairneſs of his proceedings; that he was not collecting opinions merely from one deſcription of politicians in this Country. He then mentioned his having communicated with a gentleman who was a member of Parliament, and I imagine he directly named Mr. Vaughan, but I cannot be poſitive. He then ſaid that this gentleman had put his ſentiments upon a ſort of caſe which I underſtood he had put to him in the manner he had to me, in writing; he produced a paper, which I think he ſaid was in the hand-writing of Mr. Vaughan, which he ſhewed me; he began reading the paper. This paper ſeemed to be a ſtatement which very much agreed with the introduction made by Mr. Stone, namely, that any project of an invaſion on the part of the enemy in this Country, with a hope of finding any countenance from any deſcription of men in the Country whatever———

Lord Kenyon. I cannot take the contents of the paper, we have had the paper read.

Mr. Sheridan. Before Mr. Stone had gone through the reading the paper, I deſired him to ſtop; I ſaid I thought the whole a communication of things that I did not like to interfere, or meddle with at all; that I thought him indiſcrete, and very likely to be impoſed upon by the perſon who was the channel of communication between him and his brother, and whom he had ſtated to me to be an American gentleman. I ſaid I had always made it a rule not to enter into any converſation of this kind under the then circumſtances with any perſon, and politely begged he would excuſe my liſtening any further. Mr. Stone ſaid he did not take that ill at all, but ſeemed inclined to argue

rather

rather upon the ſubject, and to endeavour to convince me, of what I muſt ſay, he ſeemed very much impreſſed with himſelf, that he was doing a meritorious act, and I remember particularly his ſaying, that though he agreed with the repreſentation ſtated in that paper, that any attempt at an invaſion was perfectly futile, and could not be productive of any ſerious conſequence, yet that it would be a very great evil, and if the miſchief could be repreſented by a true deſcription of the ſtate of this Country, he thought he was doing a great public ſervice. I waved any further communications with Mr. Stone upon the ſubject, and particularly obſerved to him, that whoever this American gentleman was, he muſt be ſure that all his motions were watched in this Country; that he certainly could have no correſpondence with his brother that was not obſerved, and either intercepted or known in this Country, and that if I were in the ſituation of Mr. Dundas, I ſhould think it my duty, circumſtanced as Mr. Stone was in Paris, that there ſhould be no communication between him and any perſon in this Country, without my gaining a knowledge of that communication.

Mr. Law. You told him you believed Mr. Dundas would think it his duty, that circumſtanced as Mr. Stone was in Paris, that there ſhould be no communication between him and any perſon in this country, without his gaining a knowledge of that communication?

A. I believe I ſaid I had been Under Secretary of State once, and ſhould have thought that my duty.—Mr. Stone ſeemed to admit that that would probably be the caſe, but he was not alarmed at any ſuch idea, for that he ſtill conceived he was doing a beneficial action to the Government and to the Country, and I underſtood from him———

Mr. Law. Be ſo good as ſtate what his words were?

A. The general impreſſion upon my mind was that the man acted upon a conſcientious principle, his expreſſions were ſuch as to give me that impreſſion.

Q. Was there any thing ſaid about this American gentleman as a channel of peace?

A. I think in the introduction of it he was mentioned as a perſon, who, if there was any diſpoſition in any parties in this Country to conciliation with France, might be the channel of ſuch communication.

Q. Do I underſtand you right, that Mr. Stone repreſented this perſon who was come over under the name of an American gentleman, as an authoriſed channel of communication on the ſubject of peace?

A. Oh, no.

Q. But as a perſon through whom, if there was any diſpoſition, the communication might be made?

A. Yes—upon the whole I ſaid as he appeared to mean to do good, that I thought the beſt way would be for him to make ſome communication to Mr. Dundas—he appeared to heſitate, but I think he ſeemed to ſay that he had had ſome communication with ſome of his Majeſty's Miniſters.

Q. I underſtand you to have recommended very properly to him, to make a communication upon the ſubject to Mr. Dundas or ſome of his Majeſty's Miniſters, and that he intimated to you that he had had ſome communication with ſome of his Majeſty's Miniſters upon the ſubject?

A. I do not know that it was upon that ſubject.

Q. Did you underſtand how long before it was that he had ſeen any of his Majeſty's Miniſters upon that or any other ſubject?

A. I believe not, I ended the converſation rather abruptly, and I believe I afterwards ſaid to Mr. Wilſon when I met him, how could he come to me upon ſuch a fooliſh ſubject.

Q. Had you the means of knowing whether upon your advice he did make any communication to any of his Majeſty's Miniſters?

A. After that I never had the leaſt opportunity of knowing the ſlighteſt thing whatever, reſpecting either of the Mr. Stones.

Q. Then you had no reaſon to know from Mr. Stone whether your advice was followed by him or not—he neither told you one way or other?

Mr.

Mr. Sheridan. If your queſtion is whether I have had any other reaſon———

Mr. Law. Whether you had any reaſon to know it by any communication with Mr. Stone?

A. After that I never had any communication with Mr. Stone, I never ſaw him afterwards.

Richard Brinſley Sheridan, Eſq.
Croſs-examined by *Mr. Serjeant Adair.*

Q. You ſtated in the courſe of your examination, that Mr. Stone ſaid there was a gentleman connected with Government, to whom he had made a ſimilar communication; ſhould you recollect the name of that perſon if you were reminded of it?

A. I certainly ſhould.

Q. Was it General Murray?

A. General Murray certainly.

Q. General Murray, a Member of the Houſe of Commons?

A. Yes.

Mr. Attorney General. And although he mentioned General Murray, I underſtand you that you adviſed him to make a communication to Mr. Dundas?

A. I did.

The Right Honourable the Earl of Lauderdale (ſworn)
Examined by *Mr. Garrow.*

Q. Whether in the the month of March 1794 you had any communication with Mr. William Stone the gentleman now at the bar, upon the ſubject of the probability of an invaſion of this Country by the forces of France?

A. It is a conſiderable time ſince that period, and of courſe I cannot be ſo accurate as I could be if I had liberty to refer to the evidence which I gave within two months afterwards.

Mr. Garrow. That is a liberty which cannot be granted, and I dare ſay your Lordſhip will not want it—you will ſtate as near as you can recollect whether your Lordſhip had any communication upon that ſubject?

A. I cannot ſay directly upon that ſubject; the communication

I had with him was upon an intimation being given to me by a gentleman that there was a perſon in this Country who he believed———

Q. Unleſs that communication was by Mr. Stone to you, I am not permitted to aſk it, ſomething brought Mr. Stone and your Lordſhip together?

A. Yes.

Q. You will have the goodneſs to ſtate what paſſed when that interview took place?

A. When that interview took place I think it was at Hudſon's Coffee Houſe in Bond Street, my brother Colonel Maitland and I went not in conſequence of an appointment with Mr. Stone to meet him there, but in conſequence of Mr. Sheridan's ſervant having told us that Mr. Stone was to have met us, and Mr. Sheridan had gone to that Coffee Houſe.

Q. Will your Lordſhip have the goodneſs to ſtate as nearly as you can recollect what paſſed when you met with him there?

A. There was ſome general converſation upon the ſituation of things in France, the particulars of which I cannot perfectly recollect; Mr. Stone ſoon pulled out of his pocket a paper which I think he himſelf read; he ſtated it, if I am not much miſtaken, to have been given him by Mr. Vaughan; I remember in the courſe of reading that paper my brother expreſſed his ſurpriſe that Mr. Vaughan had given this paper.

Q. Your Lordſhip is ſpeaking of what paſſed in the hearing of Mr. Stone?

A. Certainly; my brother pointed out a particular paſſage, and aſked if Mr. Vaughan had wrote this; I think Mr. Stone ſaid that the ſubſtance of this was what he had received from Mr. Vaughan.

Q. Your Lordſhip did not collect that it was the hand-writing of Mr. Vaughan, but the ſubſtance of what he had received from Mr. Vaughan?

A. The impreſſion upon my recollection at this diſtance of time, is that it was the ſubſtance of what he had received from Mr. Vaughan; there was ſome converſation I think upon that particular

particular paſſage in the paper; ſhortly afterwards Mr. Wilſon if I miſtake not came into the Coffee-houſe, and there was again ſome general converſation, and we left the room.

Q. Can you recollect the ſubject matter of the paſſage to which Colonel Maitland your brother made objection?

A. I think I ſhould not recollect it.

Q. Do you think you ſhould if you were to ſee the paper?

A. I think I ſhould not—I remember when I was before the Privy Council that I then thought———

Q. We muſt not refer to that—your Lordſhip has no recollection by which you ſhould be able to know that paſſage?

A. I do not think I ſhould.

Q. Did Mr. Stone in that converſation ſtate that there was any gentleman in this Country with whom he had communicated upon that paper, or upon the ſubject of that paper?

A. Mr. Stone's converſation led me to the ſame concluſion, that I had heard there was an American gentleman in this Country.

Q. What was the object of that American gentleman's miſſion here, as repreſented by Mr. Stone?

A. Mr. Stone did not give me any ground upon which I could conclude any thing particular relative to the miſſion of that American gentleman certainly—I found myſelf amazingly deceived becauſe I did not think he gave me ground to ſuppoſe that this American gentleman had powers, ſuch as I went there in expectation that he poſſeſſed; for I could gather from Mr. Stone's converſation no ſpecific power whatever.

Q. I underſtood you to ſay you found yourſelf diſappointed, becauſe Mr. Stone when you ſaw him gave you no reaſon to believe that this American gentleman had powers ſuch as you went there in expectation that he poſſeſſed, as you could gather from Mr. Stone's converſation no ſpecific power whatever?

A. Then you aſſume this, that becauſe I did not feel myſelf ſatisfied that he had one particular miſſion in this Country, that therefore I muſt infer from his converſation that he had another; on the contrary, I received no impreſſion whatever from his converſation

converſation of what the particular miſſion of the American gentleman was in this Country.

Q. Your Lordſhip miſconceives me—do you recollect whether any repreſentation took place from Mr. Stone of what this American gentleman was doing here?

A. No, on the contrary my impreſſion was that there was a ſort of indefiniteneſs that did not ſuit with the purpoſe I came there for.

Q. I believe your brother the Colonel wrote to Mr. Stone upon this ſubject?

A. I believe Mr. Stone never received any letter from my brother nor from me—I certainly know that there was a letter wrote, but I cannot ſay diſtinctly whether it was the letter of my brother or myſelf; I believe I wrote the letter, it was written under this circumſtance, if you wiſh me to ſtate it———

Q. Did your Lordſhip, otherwiſe than by a letter which was written and not ſent, communicate to Mr. Stone any advice as to the conduct which he ſhould hold reſpecting the American gentleman or the paper he had ſhewn you?

A. I do not recollect.

Q. Nor any opinion upon the propriety of what you had heard?

A. My brother, who was there with me, ſtarted an objection to the nature of the communication contained in that paper which we ſaw, and in which I certainly acquieſced.

Q. What was the nature of that objection?

A. That the paper, from the general tendency of it, was not a paper which either my brother or I would have wiſhed to have received, or ſanction with our authority.

Q. That was ſtated by the Colonel with your Lordſhip's approbation?

A. Not in ſpecific terms; but that was eaſy to be collected from the general remarks upon the ſpecific paſſage.

Q. Your brother, Colonel Maitland, is now abroad?

A. The laſt letter I had from him was on the 13th of January, off Cork in Ireland.

Q. He

Q. He is abroad upon the public ſervice?

A. He is.

Q. Should your Lordſhip know that paper again if you were to ſee it?

A. I ſhould think ſo:—but I am inaccurate in ſaying I ſhould know the paper; becauſe, having ſeen two papers with different paragraphs, I ſhould not at preſent be able to ſay which was the paper; I ſhould rather ſuſpect this (No. 11*) to be the paper.

The Right Honourable the Earl of Lauderdale,

Croſs-examined by *Mr. Erſkine.*

Q. I need hardly aſk whether all or any of this communication which you have ſtated was made at all as a ſecret, or any confidence enjoined, that you ſhould not mention that this American gentleman was in England, or was it common converſation?

A. It was not communicated in confidence.——I have been ſummoned alſo on the part of Mr. Stone; I wiſh to be examined now, if the gentlemen have any thing to aſk me.

Mr. Erſkine. I believe we have not.

John Towgood, Eſq. (ſworn)

Examined by *Mr. Law.*

Q. Do you remember having any converſation with Mr. Stone, in the ſpring of the year 1794, reſpecting his brother at Paris?

A. I do.

Q. Do you recollect his mentioning any perſon who had lately come over from that brother at Paris?

A. Yes; that a gentleman had come over from Paris, and had brought him news of his brother.

Q. Did he tell you whether that gentleman had been making any, and what ſort of, enquiries?

Mr. Erſkine. What did he ſay?

Mr. Towgood. I will ſtate what he ſaid.—Mr. Stone called upon me one day, and told me that a perſon had lately come from

from Paris, and had brought him news of his brother; and that this perſon had been aſking him reſpecting the ſtate of parties in this Country, and how it was likely that the people would be affected towards the French in caſe of an invaſion. Mr. Stone then ſaid words to this effect:—that in ſhort it was an opportunity of doing good to the Country. He ſtated it to be his opinion, that, in caſe of ſuch an attempt, whatever difference of opinion there might be on other ſubjects, there would be but one opinion as to reſiſting any ſuch attempt: he further ſaid, he thought it would be doing good, if this opinion ſhould be forwarded to his brother in France by this American gentleman.

Q. You are ſure he always ſpoke of him as an American gentleman.

A. Yes; an American gentleman.

Q. Did you give him any advice as to continuing to hold any communication with this gentleman?

A. I believe I might ſay in converſation that it was certainly a delicate ſubject to converſe about; in which Mr. Stone acquieſced; and ſaid, that he had not, nor ſhould he do any thing that could implicate him in any difficulty, or words to that effect.—Mr. Stone then read a paper, expreſſing thoſe ſentiments that I have juſt ſtated: he further ſaid, that he had mentioned it to ſome perſons of conſequence; among others, I think he mentioned Lord Lauderdale, Mr. Sheridan, Mr. Smith, Mr. Vaughan, and Colonel Maitland; and the reaſon he gave for it was, that he thought it would be doing more good that that opinion ſhould go ſanctioned by thoſe names, than if it went merely as his own opinion.—That, to the beſt of my recollection, was the whole of the firſt converſation. I ſaw Mr. Stone ſome days afterwards, when he told me that he had delivered a paper to the American gentleman, ſtrongly expreſſing the ſentiments I have juſt mentioned; and he expreſſed himſelf much ſatisfied that, by conſiderable pains and trouble, he had done what he conceived an eſſential good to his Country, by preventing the attempt of an invaſion, if ſuch had ever been in contemplation.

Q. Had you any converſation with him about an invaſion of Ireland?

A. None.

A. None.

Q. Did he tell you what was become afterwards of the American gentleman?

A. No, I never heard any more of the matter.

Q. Then you did not know from him whether the American gentleman was gone to Ireland or no, or what he was gone about?

A. I know nothing more than I have ſtated.

Q. Do you happen to know whether Mr. Vaughan is in this Kingdom?

A. I only know from report.

Q. You have not ſeen him abroad?

A. I have not.

Q. For how many months have you ceaſed to ſee him in London?

A. I have not ſeen him for a year and a half.

John Towgood, Eſq.

Croſs-examined by *Mr. Serjeant Adair.*

Q. Were you acquainted with Mr. Vaughan?

A. Certainly—much acquainted with him.

Q. Have you ever ſeen him write?

A. I have.

Q. Be ſo good as look at that paper (*No.* 11*)—Do you think that paper is his hand-writing?

A. I cannot ſwear to it.

Q. What do you think?

A. I ſhould think not, as far as I can judge.—I really do not know enough of his hand to ſpeak.

Q. The firſt page in particular?

A. Some words appear to me to be like the character of Mr. Vaughan's hand-writing.

Q. I do not aſk you to ſpeak with certainty, but if you can form any belief about it?

A. I ſhould rather believe it was his hand-writing, than that it was not.

Q. We are ſpeaking of Mr. Vaughan the member of the Houſe of Commons?

A. Yes.

A. Yes.

Mr. Garrow. Look at the other parts of it—are they Mr. Stone's hand-writing?

A. I apprehend they are.

Q. I underſtood you to ſay at firſt that you were rather inclined to think that was not Mr. Vaughan's hand-writing?

A. At the firſt bluſh of it.

Q. But what is the inclination of your opinion?

A. If I was to ſay one way or the other, I ſhould rather ſay that it was.

Mr. Serjeant Adair. How long have you known Mr. Stone?

A. I have known him many years.

Q. Ten or twelve years?

A. I think I was at ſchool with him.

Q. Have you known him pretty well?

A. I have known him well.

Q. What did you conceive to be his character, as a loyal ſubject?

A. I never heard him expreſs any diſloyal ſentiment through the whole courſe of my acquaintance with him: I believe him to be a friend to Reform, but a friend to the Conſtitution.

Samuel Rogers, Eſq. (ſworn)

Examined by *Mr. Attorney General.*

Q. You know Mr. William Stone?

A. Yes.

Q. Do you know Mr. Hurford Stone?

A. I have known him many years.

Q. Do you recollect having any converſation—and if you do, be ſo good as ſtate to my Lord and the Jury what converſation you had with Mr. William Stone relative to an invaſion of this Country?

A. He met me, I think it was in the month of March, 1794, in the ſtreet; he ſtopped me to mention the receipt of a letter from his brother at Paris, on the arrival of a gentleman, who wiſhed particularly to collect the ſentiments of the people of this Country

try with reſpect to a French invaſion.—Our converſation went very little further, for it was in the ſtreet.

Q. Do you recollect what you ſaid to him, if you ſaid any thing?

A. I recollect that I rather declined the converſation.

Q. I aſk you, not what you declined or did not decline, but what you ſaid to him, if you ſaid any thing?

A. I was in a hurry, and I believe all I ſaid was to decline the converſation.

Q. State in what language you did decline that converſation?

A. I ſaid that I had no wiſh to take any part whatever in any political tranſactions at that time, it was a time of general alarm, and I wiſhed to ſhun even the ſhadow of an imputation, as I knew that when the minds of men were agitated, as I thought they then were, that the moſt innocent intentions were liable to miſconſtruction.

Q. Did he inform you who the perſon was?

A. No, he did not; I only learned that it was a gentleman arrived from Paris; I ſpeak from recollection.

Q. Did he inform you what gentleman he was?

A. I do not recollect that he did.

Q. Did he ever call upon you after you had declined this converſation?

A. He did call upon me a few days after; and he read to me a paper, which I underſtood to be written by ſomebody elſe, but I cannot ſay who; and which went to ſhew, as far as I can recollect, that the Engliſh Nation, however they might differ among themſelves, would unite to repel an invaſion.

Q. After you had declined a converſation upon this ſubject, from motives of diſcretion, Mr. Stone called upon you and ſhewed you this paper?

A. He told me in the ſtreet he ſhould call upon me.

Q. Had you any further converſation with him at any time upon this ſubject?

A. He mentioned at that time that he thought he ſhould do his duty, if, by ſtating what he believed to be true, he could ſave the Country from an invaſion.

Q. Did he ever tell you where this gentleman went to afterwards?

A. I never had any further converſation with him upon the ſubject.

Q. He never came to conſult you about what this gentleman was doing any where but in England?

A. No; I believe I never met him again.

Samuel Rogers, Eſq.

Croſs-examined by *Mr. Erſkine.*

Q. Mr. Stone meeting you accidentally in the ſtreet, communicated this to you?

A. In the open ſtreet.

Q. Not with any ſecrecy?

A. By no means.

Q. And you might have told it me if I had happened to have met you five minutes afterwards?

A. Very likely.

Q. Have you had any acquaintance with Mr. Stone?

A. I have met him frequently for many years.

Q. What is his character with reſpect to loyalty to his King, and regard to his Country?

A. I had always an opinion that in that reſpect he was a very well-meaning man.

Evan Nepean, Eſq. (ſworn.)

Examined by *Mr. Law.*

Q. From whom had you thoſe papers which you have in your hand?

A. I have no doubt that I received theſe papers from my Lord Grenville.

Q. You were, I believe, at that time Under Secretary of State?

A. I was Under Secretary to Mr. Dundas.

The Right Honourable Lord Grenville, (ſworn.)

Examined by *Mr. Attorney General.*

(Shewn the letter produced by Mr. Nepean.)

Q. Did your Lordſhip deliver theſe papers to Mr. Nepean?

A. I

A. I cannot ſay with abſolute certainty that they were theſe papers. I remember delivering to Mr. Nepean letters which I had not read.

Q. Were thoſe letters, you delivered to Mr. Nepean, tranſmitted to you in your official ſituation as Secretary of State?

A. To the beſt of my recollection they were.

Mr. Attorney General, (to *Mr. Nepean.*) Are theſe the letters Lord Grenville delivered to you?

Mr. Nepean. I have no doubt they are; I did not mark them.

Lord Kenyon. (to *Lord Grenville.*) Did theſe letters come to you in any confidential way?

Lord Grenville. They came to me in a confidential way which ought not to be diſcovered—I have reaſon to believe that they came from abroad; I cannot ſtate that with abſolute certainty, but I have reaſon to believe it.

Q. (to *Mr. Walſh.*) Look at thoſe letters produced by Mr. Nepean, whoſe hand-writing are they?

A. I believe them to be Mr. Jackſon's hand-writing.

Mr. Serjeant Adair. I am at a loſs, my Lord, to conceive upon what principle, or rule of evidence, it is that my friend offers theſe letters to the Court, upon the preſent indictment againſt Mr. Stone, from the very ſtatement that we have heard of what they are; I am favoured alſo with copies, by the indulgence of the proſecutor. Theſe are letters of which not only there is no evidence, that they ever came directly or indirectly to the hand or knowledge of Mr. Stone; but of which the direct contrary is immediately preſumed by the manner in which they are produced; they are letters ſaid to be written by Mr. Jackſon, probably written by Mr. Jackſon, tranſmitted by him abroad, not through Mr. Stone, and of the contents of which as ſuch, it is impoſſible that Mr. Stone ever could have any knowledge—I therefore conceive, the queſtion being now upon a charge againſt Mr. Stone, founded upon an allegation that he acted with a knowledge of the views of Mr. Jackſon, and that he co-operated in thoſe acts, it is impoſſible that any thing written, any thing ſaid, any thing

done by Mr. Jackſon, that is not proved to have come to the knowledge of Mr. Stone, can be in any degree evidence to implicate Mr. Stone, in the guilt of Mr. Jackſon, whatever that may be, it is not looſely to enter into any queſtion of the contents of thoſe letters, whether they do ſhew any degree of guilt in Mr. Jackſon, whether they diſcloſe what Mr. Jackſon's views in ſending thoſe letters were, becauſe it is admitted in the mode in which theſe letters are produced, that, in fact, they never did come to the knowledge of Mr. Stone. I confeſs, therefore, I am extremely at a loſs to know upon what ground of evidence it is that they are offered.

Lord Kenyon. The Attorney General will be ſo good as open this.

Mr. Attorney General. I confeſs I am extremely ſurprized at this objection—the objection is taken upon this ground, that becauſe theſe papers are not proved to have been ſeen by Mr. Stone, that, therefore, in an indictment where the overt-act is a conſpiracy, they are not evidence to go to the Jury. Now the indictment charges, that Mr. Stone conſpired with Mr. Jackſon, and others, to ſend intelligence, among other things, with reſpect to the ſtate of affairs in this Country: I put out of the queſtion at preſent *quo animo*, he did it, becauſe that is to go to the Jury by and by. I offer theſe papers, not only as the evidence of an act done by Mr. Jackſon in furtherance of the conſpiracy, which Mr. Jackſon I have proved to have come to him addreſſed by Mr. Hurford Stone, which Mr. Jackſon I have proved to you, was over and over again, introduced in the converſations of Mr. Stone with certain reſpectable gentlemen called here, but I offer it as evidence to ſhew that Mr. Stone communicated thoſe papers, which were put into his hands by Mr. Vaughan, and Mr. Smith, to Mr. Jackſon; and I prove that by ſhewing that here is this paper in the hand-writing of Mr. Jackſon; that paper that I am now going to offer, which though it comes from abroad is a paper which is a direct copy.

Mr. Serjeant Adair. I will ſave the Attorney General the trouble, if he reſts upon that ground; the ſecond letter which contains a copy of that paper, I do not object to.

Mr. Attorney General. I will ſtate to your Lordſhip preſently why I conceive there is no colour of objection to the other.

Mr. Serjeant Adair. The letter containing the copy of this paper, I certainly cannot object to being read.

Lord Kenyon, If it contains a copy, I think we are bound to receive it upon this ground: it goes in confirmation of what was ſaid by ſome of the witneſſes, that he had communicated Mr. Vaughan's letter.—This is evidence corroborating the account given by the letter.

Mr. Erſkine, But it does no more than that.

Mr. Garrow. We cannot permit that to be ſaid in this ſtage of the cauſe.

Mr. Attorney General, I did not mean to ſtate one word more than was enough to introduce this paper; your Lordſhip will underſtand me not to wave my right to ſtate that it does more. Before the next letter is read, I will read two or three other letters found in the poſſeſſion of Mr. William Stone, and which are letters addreſſed to him from John Hurford Stone from Paris, while Mr. Jackſon was in England and Ireland.

[*No.* 33, *read.*]

" London, 18th March, 94.

" My Good Friend,

" Leſt a duplicate of the incloſed papers may not have reached " you, I now tranſmit another copy. I writ laſt Tueſday to " your brother at Hambourg.

" Excluſive of poſitive information of the temper of the " Country, it may be known by people at a diſtance, by the " following ſigns: There are no petitions againſt the war. " There are courtly verdicts given by juries with few excep- " tions. There are no mobs, tho' much diſtreſs. There is " much readineſs to enliſt as ſoldiers. There is much quietneſs " in being impreſſed on the part of ſeamen. The votes of " Parliament are nearly unanimous, although the Parliament " has run through half its length, and the members of the " Houſe of Commons look to their re-election. The ſtability " of Lord Chatham continues in defiance of all his neglects, and

" his incompetence to fill his office. Terror pervades the
" friends of liberty, who would ſoon ſhew a different appear-
" ance, were they countenanced by the majority of the people.
" The temper of England is in favour of the firſt French Re-
" volution, but not of the ſecond: however, on the whole, it
" ſhews ſymptoms of being adverſe to the preſent ſituation of
" the war, not from diſliking its principles, but from ſeeing
" little profit in it, at the ſame time that they think its main
" object unattainable, namely, the overthrow of the preſent
" French ſyſtem. They would be more earneſt for peace, had
" they ſuffered enough, or did they think the preſent French
" Government ſincerely diſpoſed to peace. There are many
" perſons attached to the principles of the French Revolution,
" in England, if they are reckoned numerically, but they are as
" nothing compared to the great maſs of the people who are
" indiſpoſed to them. In Scotland the proportion of democrats
" is increaſing, but they are as yet but a ſmall minority. Ire-
" land will follow the democracy of Scotland, each of theſe
" Countries wants only time to convince itſelf in its own way,
" but it will not be convinced by a French invaſion. If France
" were to invade England, every man would turn out, from
" good-will or from fear, and the few who are diſcontented
" would be quelled with eaſe, as the French citizens were by
" Fayette, in the Champ de Mars, or the diſaffected lately by the
" commiſſioners in Alſace. There could be but one line of
" conduct for Engliſhmen to purſue ſhould this Country be in-
" vaded; they muſt defend it. War being but the means of
" attaining peace, and the well-meaning, among the ſubjects of
" the confederates, being told that the French are ſo averſe to
" peace, or aſk ſuch preliminaries, that it is in vain to treat with
" them; it would be highly uſeful if France declared, after any
" new ſucceſſes which ſhe may hereafter obtain,
" Her averſion to conqueſt,
" Her diſpoſition to peace,
" Her deſire that other nations ſhould govern themſelves,
" Her determination to change this ſyſtem, if the war againſt
" her is continued; and it would be uſeful, alſo, if every conve-
" nient

" nient opportunity were taken of declaring, that her preſent
" government is revolutionary; and that the conſtitution of June
" laſt, will be acted upon at the peace; and alſo if ſhe declared
" her regret at the neceſſity of uſing harſh meaſures, and now
" and then employed philanthropic language, which has an
" aſtoniſhing effect in pacifying the Engliſh, and, indeed, in
" pacifying Europe. It would tend much to conciliate the minds
" of the Engliſh were the Convention to decree the liberation
" of all the Engliſhmen in a ſtate of arreſt, unaccuſed of crimes,
" and reſtoring to them their property, at the ſame time allow-
" ing them to leave the Country, within a certain ſpace of time.
" It wo'd tend alſo much to create an averſion to the war, were
" the Convention to decree the terms, on which only they
" would make peace. This conduct would be magnanimous,
" and if they did not hold out terms extravagant, the people of
" this Country would not heſitate to ſpeak their averſion to the
" continuance of the war.

" It would be very adviſeable to have copies of the more
" important decrees and reports lodged at Havre, or ſome other
" port, to be ſent over by neutral veſſels, for the purpoſe of
" giving true information to the people here, which they much
" want."

" Thus far the paper; and all I ſhall ſay in favour of it, is,
" that it comes from a quarter of high authority. I go with the
" author in opinion, which you may tell your friends in Amſter-
" dam, or not, as you pleaſe, but I think, after the peruſal, you
" may be perfectly eaſy as to any attempts againſt our happy
" Conſtitution. Loyalty is the prevailing temper, and I truſt
" in God, it will ſo continue to be. We have a miniſter as
" vigilant as Argus, he has a courier every three or four days
" from thoſe furies at Paris, bringing all the information that
" can be gotten. What a ſtroke of excellent policy is this at a
" time when theſe gentry think they take ſuch care to ſtop all
" communication! I ſuppoſe ſome of the uſhers of their Aſſem-
" bly are in our intereſt; I have heard that they have a coun-
" tryman of ours attached to their Convention, if ſo, I am
" happy to hear he ſtill reſolves what ought to characterize

" every Engliſhman, a love of the Government of his native " ſoil.—I will now endeavour to ſatisfy you on another ſubject. " Not truſting to my own opinion, I deſired a friend of mine, " a real royaliſt, who has much intercourſe with the firſt friends " of the King and Conſtitution, to procure, for me, the ſenti- " ments of one of them. He writ to him for the purpoſe, and " the following is a copy of his anſwer:

" Dear Sir,

" I was a good deal ſurpriſed the other day at the degree of " credit which you appeared to give to the rumours of a French " invaſion; but as I know many are of your opinion, and many " more affect to be ſo, I feel deſirous of ſtating to you the reaſons " why I cannot but diſregard ſuch apprehenſions.

" In the firſt place, nothing appears to me more clear " than that thoſe who are now at the head of affairs in France, " are too wiſe to make ſuch an attempt, without a proſ- " pect of ſome advantage adequate to the riſque which muſt " be incurred by both the army and the fleet, employed in the " ſervice: and this advantage, I ſhould think, muſt be ſome- " thing more than the burning a few towns and villages, (ſup- " poſing that to be accompliſhed) or the creation of a tempo- " rary alarm. From general hiſtory too, and yet, more ſtrongly, " from their own recent experience, muſt they be aware of the " difficulty of an hoſtile army's making any laſting impreſſion on " a people unwilling to receive them, as eſpecially on an iſland " in poſſeſſion of a ſuperior navy, and which can at any time " call other fleets to its aſſiſtance. If all this be true, it is " ſcarcely reaſonable to expect ſuch attempt, unleſs the French " flatter themſelves with the hope of co-operation on this ſide; " an expectation, as far as I am able to judge, ſtill leſs likely to " be realized than even that of ſucceſs without it.—That num- " bers here are diſguſted with the war, I have no reaſon to " doubt; but no ſymptoms have already appeared of any general " diſapprobation of Government; on the contrary, Miniſters " ſeem to have been ſucceſsful in raiſing a ſtrong ſpirit of attach- " ment to every branch; I might almoſt ſay, to every abuſe of " the Conſtitution. Nor do I think it poſſible for any man,

" who

" who impartially views the ſtate of things and of parties in this " Country, to expect any other effect from an invaſion than an " almoſt univerſal riſing of the people to defend themſelves " againſt an attempt which they would conſider as levelled at " their Conſtitution and Liberty; and they would therefore " execrate and reſiſt, as much as the French did the Duke of " Brunſwick's irruption. Much has been ſaid of the progreſs of " French principles here. If by this be meant no more than " that at one time the opinion was rapidly ſpreading of the " French Revolution having a favourable aſpect on the happineſs " of Europe and of mankind, I firmly believe it: and I believe " alſo that a pretty general perſuaſion prevailed of the exiſtence " of ſuch abuſes in our own Government as required a reforma- " tion ſpeedy and effectual; partly, however, from natural " cauſes, and partly from artifices and want of better informa- " tion, I am convinced that theſe opinions have much decreaſed, " both in force and in extent; and that although the tide may " turn, yet that is not by an invaſion that ſuch a revolution would " be brought about. We ſhould only wrap our cloak tighter " around us, like the man in the ſtorm, and refuſe every offer " of fraternity that came in ſo queſtionable a ſhape. Sincerely " wiſhing for peace, and thinking that theſe rumours of an inva- " ſion are induſtriouſly circulated with the view of exaſperating " the people, and of rendering them more in earneſt for the " war, I ſhould be very deſirous of ſtating publicly in Parlia- " ment every idea I have here communicated to you, if I did not " know that my general attachment to the cauſe of liberty, and " the ſatisfaction I have repeatedly expreſſed at the overthrow " of deſpotiſm in France, have rendered me to a very conſider- " able degree obnoxious, and expoſe my ſentiments to miſre- " preſentation of the moſt invidious kind."——Here is a letter " from a man of weight and abilities; a man who perhaps, bet- " ter than any other in this kingdom, knows the ſecret ſprings " and views of our excellent Miniſter, but unfortunately, from " difference of opinion on the war and other matters, has " quitted him. I leave you, after impartial deliberation on the " letter, to let it have the weight you think it deſerves. Com-

" municate

" municate with your Amſterdam friends, who are attached,
" like yourſelf, to Order and good Government. And if, after
" all, you ſtill continue to think an invaſion a matter productive of
" the conſequences you apprehended, I will ſell out your property,
" as you ſeem inclined, and may direct me. I only repreſent to
" you what I can collect from the beſt ſources in my power: theſe
" I give you as they come to me, and leave you to do as you
" pleaſe. We have emiſſaries here, or miſſionaries as I think
" they call them; but there is always ſomebody who gives infor-
" mation of their ſetting out, with a particular deſcription of their
" perſons and paſſports; ſo that, thank God, they are naturally
" well watched, and prevented from doing miſchief. A report
" prevailed the other day, that one had juſt arrived. It is happy
" for our Government that there are ſome among the French
" themſelves well diſpoſed to it. They render great ſervice, by
" making known every thing. Your friend here would under-
" take to ſend every kind of print, and every new publication, to
" Hambourg, if any man in the trade were there eſtabliſhed to
" receive them. There is only one Engliſh bookſeller, as they
" tell me here, at Hambourg, and he ſcarcely does any thing, as
" all kinds of Mancheſter goods are ſent from Hambourg thro'
" Germany; ſo might prints, drawings, or any thing elſe that
" could find a ſale. Inform me whether I am to ſpeak further to
" your friend on the ſubject. You need not direct your letter.
" Encloſe it to Mr. Parkyns,

" at Mrs. Brown's,

" Globe Tavern,

" Hambourg.

" He will give it me if I am there, or forward it. Look for my
" letter of laſt Tueſday. Remember me, my good Sir, to our
" common friend. May we ſoon again meet at the Engliſh
" houſe, Amſterdam.

" Yours truly."

" Encloſed in a cover marked ⋈."

Mr.

Mr. Attorney General. (to *Lord Grenville.*) Did your Lordſhip receive theſe two papers at the ſame time, which you gave to Mr. Nepean?

A. I cannot ſay.

Q. By the ſame channel?

A. I cannot ſay that, with abſolute certainty.

[*No.* 14, *No.* 15, *and No.* 16, *were proved by Mr. Maclean, and Mr. Lauzun, to have been found in Mr. Stone's Houſe, at Old Ford.*]

[*Mr. John Holmes, proved them to be Mr. Hurford Stone's hand-writing.*]

[*No.* 14, *read.*]

" Dear Sir,

" I have received your letter, incloſing the note which I re-
" turn, as nothing is paid; and, you muſt tell the parties to pay
" into Pattiſons, the value which will be furthered.—*I have alſo*
" *received our American friend's letters; and, you muſt tell him,*
" *that having given them to the proper people, he muſt in future*
" *addreſs his friend Nicholas, and not me.*—I hope you will pay
" particular attention to what I have ſaid to you reſpecting Patti-
" ſon, or we ſhall be much diſtreſſed. You will receive a letter
" from Mr. Beref. reſpecting his ſucceſſion; he has heard from
" his brother-in-law, and there will be not much difficulty in the
" arrangement. You muſt not write me, and tell our friends
" not to write to us any more letters, on this, or any other
" ſubject juſt now, as an interruption will ſoon take place;
" only your ſervices by Pattiſon and Bourcard, will be felt.—
" You may tell Gillet, that there are three caſes gone for
" him—tell Kippis, who will tell Cotter and Miſs —— that they
" muſt not write till they hear again from us.—We are all very
" well, and in great haſte, *I ſubſcribe myſelf with all reſpects,*
" *to all our American Brethren, Your's &c.*

" 30th, March, 1794. " I. HURTFORD.

" I ſhall write to you in a poſt or two again, excuſe haſte and
" brevity—tho' I ſhall hear from Bourcard.

" *Meſſrs. Lawrence and Co. Negts.*

" *Rutland Place, Thames Street, London.*"

[*No.* 16,

[*No.* 16, *read.*]

" Dear Sir,

" This acknowledges the receipt of the letter you mentioned, " which we had not heretofore received.—The caſe is, that the poſt " is ſometimes negligent, tho' letters of buſineſs are rarely inter- " rupted.—I have nothing of moment to mention at preſent, " only to beg you to pay particular attention to the account I " ſent you in my laſt, in which I fancy I omitted ſome articles; " there are ſeveral caſes ſent to your order, but I do not at this " moment know how to deſignate them—you ſhall have it in my " next, unleſs you receive it previouſly by our agent; you will " alſo have the wine at length, tho' I have written to the " contrary.—The laws renewed againſt the Foreigners, without " diſtinction, will drive moſt, if not all the Engliſh, who reſided " at Paris, to the extremeſt diſtreſs; there are no exceptions it " ſeems.—We have advanced to ſome of them, but can do " no more.—I have not heard any tidings of the depoſit you " made to Barclay—I wiſh it were here, and in the man- " ner; if you have not given it to him, that I pointed out in " my laſt.—You will have received my note by Mrs. B—— " which ſhe promiſed to ſend to you.—It requires no particular " anſwer—the chief attention I wiſh you to pay is to the wants " I ſtated.—You will receive in good time the amounts—our " friends are leaving us alſo, ſome for Philadelphia, ſome for " Boſton, and a few for Hamburgh.—*The accounts we receive* " *from you reſpecting the Houſe concerns, which our American* " *friend has talk'd to you on, has given much ſatisfaction, tho' they* " *hoped to have received ſomething more favourable*—tho' I leave " this place you may direct to me as uſual, as I ſhall leave orders; " and, for the preſent conclude in great haſte, your's faithfully,

" I. HURFORD."

" *P. S. It is ſtrange that we hear nothing further of the ar-* " *rival of Mr. I. an acquaintance from Boſton told me a few* " *days ago, that his journey was retarded.—The ſhipping buſineſs is* " *under conſideration, and you will hear from us.*"

" *Meſſieurs Lawrence, and Co. Rutland*

" *Place, Thames Street, London.*" " 21ſt April, 1794."

[*No.* 15,

[*No.* 15, *read.*]

" Meſſieurs,

" We reced your letter containing the paper which was " nearly the ſame as we had ſeen printed here ſome weeks pre- " vious. There is nothing that affects us in it ſo far as we " can ſee, as we have no occaſion to put you or ourſelves to " any inconvenience, if you regard with attention the letters " you will have reced from us on the ſubject; if you do not, it " is impoſſible to expreſs the inconvenience, and even wretch- " edneſs to which we ſhall be ſubjected. *The pacquets you* " *allude to have not yet been reced, and we know not where* " *they reſt.* I have given all the information which I could on " the ſubject, but do not chuſe to trouble myſelf too much. " I wrote to you a poſt ſince, to deſire you not to write to me, " as I did not know exactly where I ſhould be, and B^d^. not " yet being returned from Switzerland. However, as you " write with caution, you need not attend to it; but it is not " neceſſary to write but when you have buſineſs to communi- " cate. I attend to what you ſay with reſpect to Gillet, and " am of his opinion, that it would be better to ſend the books " inſtead of the ſheets, and that can be done by the Swiſs houſe " I have mentioned to you. If my letter to P^y^. has been " printed, ſend me, if you can, the paper; if not, I will ſend " you a copy—I ſhall ſend no more to him as you requeſt. We " have ſent to your order to Hamburg 4 caſes, of which you " will ſoon receive the parlars; they are gone at length, after " a thouſand interruptions. As to the wine, I cannot yet par- " ticularly inform you. You ment^d^. in a former letter the pay- " ment of 200l. to George Grieve; he has received part of " it from me, but he is very anxious to know by what means " it falls to him, as you have only mentioned the circumſtance " without any detail. I find Wilſon is his moſt intimate friend, " —Let Wilſon therefore write him a line at the bottom of y^r^. " letter, and tell W. that I am very angry with him for not " making me acquainted with him before. Do let your anſwer " to this be very expeditious. I am concerned to ſee Barclay's

" bills

" bills ſent back, though thank God, as it happens, I had reced
" no value for them. If the Swiſs bills are returned, my credit
" is totally gone, unleſs you adopt the method pointed out by
" paying the money to the houſe. I did ſuppoſe that Smith's
" money would be refuſed, but you will receive it by his
" *(Short-hand characters)* Bingham's alſo will be paid you.
" I attend to what you tell me as to money concerns, but I
" muſt have a heart of marble to ſee around me ſo much want
" without relieving it; and on the ſtrength of the payment I
" have advanced, but not a great deal. I wiſh the depoſit by
" Sir R. B. was arrived, as I want them. If you can adopt
" the means I pointed out, you need not be in advance at all,
" as I would take care to forward the account; your demand is
" ſubſtantially as under:

Dr.				Cr.			
Bill to S— -	300	0	0	2 Iriſh bills - -			35
Do. for Sab^{s}.	100	0	0	Cotter - - -			50
Do. to order Sir R.B.	20	12	6	Gillies - - -			25
Do. on Crauford 3 bills	150	0	0	Hammerſley - -			25
				Wright - - -			20
	570	12	6	Int. from 93 to 94 -			650
2 to Bourcard & Co. Baſle	200	0	0				805
	770	12	6	Do. to 1ſt Ap^{l}.			162
							967

" I know not if you have reced. Tarleton's money, which is
" 157 more, and I know not what you have expended for the
" manufacture. This acct. muſt be I ſuppoſe agſt. me, but I
" muſt not be charged with reſpect to this affair out of any of
" the tranſactions here, it muſt be taken from the principal;
" in which caſe the intereſt muſt be diminiſhed. You ſee I
" have not ſaid any thing of bills that are not paid, ſuch as
" Turnbull's, which I fully expected, and Sabo and Loſack,
" &c. not Dorſet's, nor even Bingham's, which will certainly
" be given you, as he is a perſon of fortune, and has written;
" ſo that I think it cannot fail, as his friends are to make ap-

" plication.

" plication. You will receive to the amount of 2 or 3000 vols. " immediately, ſo that you will be very much in hand, but at " this time we periſh if we have not aſſiſtance—as it is im- " poſſible to relate to you all the wants we undergo. You " ſee I charge Buſh's bills as paid; if unfortunately they ſho'd " not, the only remedy is to take the money to the Swiſs houſe " mentioned, which I am ſure you will do, as it is not for the " account of any perſon in France. Greves's money give me " alſo an account of as ſoon as poſſible. *As to our American* " *friend, the account I gave was very ſatisfactory, and to myſelf* " *highly uſeful; but it is ſtrange that his relations hear nothing* " *from him. I would rather that he did not write to me ſo much* " *on the ſubject; tho' I ſhew them his letters, they are ſad blun-* " *derers on this head.* This is a ſtorm that we are weathering, " but thank God we are in good ſhelter, our only wants are thoſe " I mentioned, to which you will, I am ſure, be attentive. I " ſhall aſk no advance, for the profit will be ſufficient for any " enterprize. If Buſh's bills be paid, I make 40 per cent. " The Dunkirk bills will be paid on certain conditions, but I " cannot receive above half their value, and I am empowered " by your letter to do what I can with them. If you can buy " any more at a low rate, I would purchaſe them. I have re- " plied to all in your letter, except that which more relates to " our concern in America, and on that I cannot at preſent ſay " much. *Our friend you tell me is gone to Ireland—the buſi-* " *neſs he ſpoke to you on is interrupted by this paper which you* " *ſent* (Short-hand characters) *however it may produce very be-* " *neficial effects.* As I have written in great haſte, I write " very incoherently, but you can make it out. I ſhall write " more frequent, but you need not anſwer but on buſineſs. We " have had terrible work here, but it is now paſt, I refer you to " the papers.

" We hear nothing further of Jefferſon's arrival. Some " of our friends are gone to Hambourg and Philadelphia. I " ſhall remain ſome time longer. Incloſed is a letter to " Rowan. You will hear ſoon on B——'s affairs, they take a

" proſperous

" proſperous turn. We are all in good health, and remain y^r
" Friends.

" 8th April, 1792. " I. HURFORD and Co."

" I ſhall ſend a bill on Grey for 50l. in my next, the 1200l.
" I have ſent back."

" *Meſſrs. Lawrence and Co. Rutland Place,*
" *Thames Street, London.*"

Mr. Garrow. From the internal evidence, there muſt be a miſtake in the date of this letter.

Mr. Attorney General. There is only one ſhort paſſage in this letter material.

Lord Kenyon. I underſtand you that theſe three laſt letters are not material as to making out your caſe, but as enabling you to lay a foundation for ſome material evidence.

Mr. Attorney General. In theſe letters there are theſe paſſages, —" The accounts we receive from you reſpecting the Houſe concerns, which our American friend has talked to you on, has given much ſatisfacton, though they hoped to have received ſomething more favourable." " It is ſtrange that we hear nothing further of the arrival of Mr. I."—" As to our American friend, the account I gave was very ſatisfactory, and to myſelf highly uſeful; but it is ſtrange that his relations hear nothing from him." —That is, his relations in France. Your Lordſhip has likewiſe had a letter of the 30th of March, in which there is this paſſage, which is, I apprehend, extremely ſtrong. " I have alſo received our American friend's letters, and you muſt tell him that having given them to the proper people, he muſt in future addreſs his friend Nicholas, and not me."—There is likewiſe a letter of the 15th of March, 1794, which I believe your Lordſhip has not been troubled with.—I am calling your Lordſhip's attention only to this ſingle fact; that in the letter which was laſt read, which was ſpoken to by Lord Grenville, Mr. Jackſon begins by ſaying that " Duplicates had been written of the Letters." Of theſe letters which are now read to your Lordſhip, Mr. Stone ſtates from Paris, " I have received a letter ſent by you"—that is ſent by you the perſon to whom he addreſſes his letter—that, therefore, ſhews that the correſpondence was in fact kept up, as I take

take the liberty to ſubmit it was, between Mr. Jackſon, Mr. Stone, and his brother in Paris, during Mr. Jackſon's reſidence in this Country. The letter which has been already read, ſigned William Enots, contains, your Lordſhip will obſerve, a quotation from one of thoſe letters which I have now been reading, namely, that the letters had been received, and had been delivered to the proper people; but in future they are to be directed to Nicholas, and not to me—that is quoted in the letter of William Enots to Thomas Popkins in Ireland.

Lord Kenyon. But then that does not aſcertain what that letter was?

Mr. Attorney General. It is a verbatim copy of that.

Mr. Serjeant Adair. That letter is of the 8th of April, 1792.

Mr. Barlow. It is dated April, 1792; but that muſt be a miſtake, becauſe there is in the letter an account of intereſt, from 1793, to 1794—"ditto to the firſt of April."——

Mr. Attorney General. I now proceed to offer in evidence, the other letter of the 17th of March, 1794, which Mr. Nepean ſtated he received from Lord Grenville, and which his lordſhip ſtated had been communicated to him officially. The ground upon which I offer that letter is this—I have already proved it to be in the hand writing of Mr. Jackſon. I ſtate generally, becauſe I feel it difficult to ſtate particularly, but ſtate generally, and, in opening the evidence, your Lordſhip will give me credit for ſtating it accurately, that it is a letter pointing out the places in which an invaſion may be made in this Country—and it is a letter ſent abroad by Mr. Jackſon, upon the 17th of March, 1794.—The queſtion between us is this—whether this letter can be read upon the trial of Mr. Stone—I conceive it to be perfectly clear that it may, and upon theſe grounds.—The overt acts charged, your Lordſhips ſee, are a conſpiracy between Hurford Stone, William Stone, and Jackſon, to give intelligence to the enemy, where they might invade this Country, and aſſiſting each other in procuring that intelligence.—I do not recapitulate all that has been already proved with reſpect to the connection between Mr. Jackſon, and Mr. Stone; but I take it now that I am

entitled to ſtate generally, that it has been proved beyond a doubt to be the common object, both to communicate—(*quo animo* is the thing to be conſidered afterwards—to communicate) intelligence to the enemy upon this ſubject; and I take it to be eſtabliſhed, that the intelligence which was procured by William Stone, was, in point of fact, communicated to Mr. Jackſon firſt, and by Mr. Jackſon afterwards, as is proved by Mr. Stone's converſation, and by the evidence of Lord Grenville—then I take it to be extremely clear, that when you have once brought together perſons conſpiring for one common object; that, whatever they do, with reference to the ſame end, is evidence to be admitted againſt both, ſubject always to the deciſion of the Jury, how far that evidence, which is admitted againſt both, ſhould be taken to bear in its inference, and effect, againſt the particular perſon.—I am ſure I need not put your Lordſhip in mind of the caſe of a gentleman, now in the King's Bench, I mean Mr. Bowes, who was indicted together with a Mr. Bowes, an Attorney of Darlington, for conſpiring to run away with Lady Strathmore; in that caſe, which was tried before Mr. Juſtice Buller, it was contended, that acts done by individuals upon that record, in the abſence of each other, could not be given in evidence againſt perſons, who were not preſent—but the Court ruled in that caſe, that when you once prove, that they had a connexion with the conſpiracy, every act that any one did in that conſpiracy, was evidence againſt each, and that gentleman is, to this moment, in the King's Bench under that ſentence.—I take leave alſo to ſtate, that this was ruled over, and over again, in the late State Trials, it was the baſis of the whole proceedings.

Mr. Juſtice Aſhhurſt. Have you any recollection of the caſe of the Cock-lane Ghoſt, I rather believe, ſomething of the ſame kind was determined by Lord Mansfield?

Mr. Attorney General. This has been ruled over, and over again, in Trials for High Treaſon.—The caſe your Lordſhip mentions is older than my time in the profeſſion of which I have the honour to be a member.—I remember my friend ſucceſsfully contended on the late Trials for the admiſſion of ſimilar evidence, and it was not only ſo ruled in the late Trials for

High

High Treaſon, but there was hardly one tittle of evidence that could be given on thoſe trials, unleſs this was the rule—when you once prove that perſons were in the ſame Society, having one common object, the evidence of the acts of each, was admitted againſt all—the acts of the Britiſh Convention, for inſtance, were admitted—the acts of perſons at Sheffield, were admitted as evidence of the acts of the Conſtitutional Society in London—the acts of the Correſponding Society were admitted againſt the Conſtitutional Society, and the acts of the Conſtitutional Society admitted againſt the Correſponding Society—the acts of Watt at Edinburgh, were admitted the moment it was proved that they were all embarked in one common object—now the queſtion here is, whether it has not been diſtinctly proved to your Lordſhip thus—that Mr. Jackſon came over here addreſſed to Mr. Stone, that Mr. Jackſon not only came over here addreſſed to Mr. Stone, but that Mr. Stone and Mr. Jackſon were in habits of communications together while he was in this Country, upon this ſubject—and it is further proved, that Mr. Jackſon and Mr. Stone continued their correſpondence upon theſe ſubjects—that is proved in the way in which it is to go to the Jury, after Mr. Jackſon had left this Country—then I ſay, that ſtating this letter to contain the ſubſtance, though diverſified in the manner of ſtating it, of thoſe communications which had before been made by Mr. Stone, and being communications for the ſame purpoſe; I ſubmit upon the common principle, it is the act of a perſon firſt proved to be embarked in the ſame ſcheme and project, done for the purpoſe of carrying on that common ſcheme and project.

Mr. Serjeant Adair. I conceive, with deference to the Court, that the principle upon which this queſtion is now to be decided is eſſentially diſtinguiſhable from both the caſes that have been put by my learned friend the Attorney General, and from every caſe that I have ever heard of, in which evidence that can in any degree be aſſimilated to this has been received—I am ready to admit that when ſeveral conſpirators charged with confederating together for the commiſſion of the ſame offence are put upon their trials together, that then there cannot be a doubt that every piece of evidence which affects any one of them is admiſſible upon that

trial, though it might not be evidence againſt others; and it then becomes the duty, and is always the inclination of the Court to diſtinguiſh the effect of thoſe pieces of evidence which are legal evidence againſt one of the parties accuſed, and which are not legal evidence againſt the other—but the caſe is totally different where evidence is to be given of acts done by a conſpirator not upon his trial, and acts done by that conſpirator when he was ſeparated and at a diſtance from the perſon with whom he is accuſed of having confederated with the object charged in the indictment.

My learned friend has juſt reminded the Court of the evidence that was moſt undoubtedly received, and for the reception of which my learned friend has truly ſtated I ſucceſsfully contended in the late State Trials, that evidence is eſſentially diſtinguiſhable in this—that the charge againſt all the priſoners upon thoſe trials was of acts done by them as members of that Society, alledged to be confederated together for the purpoſe, by their collective ſtrength, and by their collective acts, of overturning the Government and Conſtitution of their Country—it was upon that ground, and upon that alone that I ever contended—it was upon that ground alone that my friend the Attorney General then contended, becauſe it was not neceſſary for him to take any other, that the acts of theſe Societies were evidence againſt each and every one of the priſoners who were members of theſe Societies, after general evidence had been given implicating them in one general deſign, becauſe from the very nature of theſe acts, they were collective acts done by the Society—reſolutions entered into—proceedings had at meetings of theſe Societies.

Lord Kenyon. Was it admitted without introducing the parties againſt whom the evidence was given as members preſent at the time?

Mr. Garrow. Certainly—in diſtant parts of the Kingdom.

Mr. Serjeant Adair. But they were collective acts of the Societies of which thoſe perſons were members, or of Societies proved to be in direct correſpondence for the purpoſe with the Society of which they were members—and I venture to ſay in no one inſtance in theſe trials, was the individual act of any

member

member of thoſe Societies, not done as the communication immediately to the Societies themſelves, but expreſſive of the private ſentiments and opinion of that individual member, given in evidence againſt any but the individual perſon, no declarations out of theſe Societies and not in immediate communication and correſpondence with thoſe Societies, no declarations of individual members were given in againſt any others, except the letters of the ſecretaries of the Societies which were conſidered as evidence againſt the members of that Society, of which evidence was given that they were implicated in one general deſign—but where is it poſſible to ſtop, if we are to admit as evidence againſt one of thoſe ſuppoſed conſpirators, when the very queſtion ſtated, and fairly, candidly, and honourably ſtated as it always is by my learned friend the Attorney General, for the Jury to decide, is the intention with which Mr. Stone acted—where are we to ſtop if evidence is to be given to affect Mr. Stone with the criminality of a letter of a perſon writing letters in another Country to perſons with whom Mr. Stone is not proved to have any connection, and no tittle of which is ever pretended to be communicated to him; the preceding letter that was produced by Lord Grenville I waved the objection to, on the ground of its reciting papers which had been brought home to the priſoner, but in this letter there is nothing which has been brought home as evidence to Mr. Stone, there is no reference to any act of Mr. Stone—no proof in the ſlighteſt degree, of the privity of Mr. Stone to any one ſentiment that this letter is ſuppoſed to expreſs; and ſo far from its being evidence of a confederacy together for the ſame object, it is evidence to the direct contrary; becauſe every part of the information communicated by Mr. Stone to Mr. Jackſon was evidence tending to prevent an invaſion of this Country, and my friend the Attorney General now propoſes to affect Mr. Stone by a letter written, as he ſtates, by Mr. Jackſon, inviting and pointing out the places for an invaſion.

Lord Kenyon. That there is ſufficient evidence to connect Jackſon and Stone the priſoner at the bar, ſufficient evidence given to permit that concluſion to be made, I have no doubt

upon earth—with reſpect to this point, really I wiſh I was more acquainted than I am, with the courſe of criminal juriſdiction—if the queſtion had never been decided, I ſhould have extreme doubts upon it, and thoſe extreme doubts which I ſhould have, would lead me in a criminal caſe to do otherwiſe than I ſhould do in a civil caſe—in every civil caſe (I ſpeak in the hearing of a great many profeſſional gentlemen) wherever I have ſerious doubts, I follow the doctrine which I have collected to be laid down by Lord Hardwick; I receive the evidence, giving the Jury the beſt inſtruction I can upon the effect of it, and I do it in the caſe of civil proceedings, without running the riſk of doing any hurt; becauſe if I receive it improperly, a ſeaſon will come when the Court can correct my error—it is different in the caſe we have now before us, and therefore if the caſes decided left my mind entangled in real doubts, the leading of my judgment would be to reject the evidence; but I do confeſs that what my brother Adair has ſaid, (who has certainly ſtated it as beneficially as he could for his client) leaves me much inclined to believe that caſes decided have done away the doubts which I had; for if my brother Adair argued ſucceſsfully before ſo great a tribunal as that which he alluded to, and if he was able to convince them that the acts done by the Societies at Sheffield, were ſufficient to aſcribe guilt to parties not preſent at the time—if letters written by the ſecretaries of thoſe Societies, not communicated to the perſon to whom the guilt was to be imputed by theſe letters, otherwiſe than ariſing from their acting in concert with their parties—if that was ſo decided, I confeſs I think this point is decided.

Mr. Serjeant Adair. The learned Judge upon the bench who was preſent, will I believe recollect that thoſe letters of Sheffield and other Societies, that were not addreſſed to the Societies of which the priſoners were members, were I believe not received.

Lord Kenyon. That leaves me preciſely in the ſame ſituation.

Mr. Erſkine. What I am going to ſay I rather think will meet the recollection of my learned friends.—I did look laſt night at the trials to which my friend alludes, thinking that probably ſome queſtion of this ſort might ariſe; and I believe

lieve I can take upon me to ſay, without much hazard of being ultimately found in the wrong, that the Court, in admitting that ſort of evidence, which was ſtrongly objected to by us, pronounced its judgement in this manner, and I could almoſt, I believe, repeat thoſe words—That the Counſel (meaning my friend who ſits by me,* and myſelf, who oppoſed that evidence on the part of the priſoner) ſeemed to conceive that it was offered as evidence to affect the priſoner, whereas my Lord Chief Juſtice Eyre deſired that it might be for ever recollected—and I do poſitively aver that that will be found in the judgment of the Court, that the cauſe divided itſelf into two branches—I ſpeak in the hearing of two learned judges who attended upon thoſe trials—that they were firſt to ſhew that a conſpiracy exiſted, as an abſtract propoſition, and then that the priſoner was a member of that ſpecific conſpiracy; that though you may give evidence of any thing done or ſaid by perſons not preſent, and co-operating in what they did or ſaid with the priſoners, that then the evidence was belonging to that firſt branch of the deſcription, as competent to prove the firſt and not the ſecond branch of the charge upon the record—that is to ſay, to prove that a conſpiracy did exiſt, but not to ſhew that A, B, or C had any ſpecific ſhare in that conſpiracy: if otherwiſe it had been ruled by that Court, which I ever muſt ſpeak of undoubtedly with the greateſt reſpect—if it had been ruled otherwiſe, I ſhould have conſidered that Court entitled to no reſpect at all, becauſe there was admitted as evidence againſt the priſoners what was done by Watt and Downie, and other perſons, in a three pair of ſtairs room at Edinburgh; though it was proved on all hands that the exiſtence of theſe men was not known to the priſoner at the bar. Now there is nothing ſo ſhocking to humanity, or to common ſenſe, as to ſuppoſe that judges would admit the acts of men whoſe exiſtence was not known to the priſoner, upon any other principle but that ſound principle upon which it was put when received by the Court when they delivered their judgment; and to ſooth us, when our

* *Mr. Gibbs.*

minds were irritated by it, it was repeatedly averred that it was divided into two branches, and that unleſs the ſpecific evidence ſo given and ſo received could afterwards be brought home to the knowledge of the priſoner, however he might be affected, generally, by other parts of the evidence, he could not be affected by that, which, though competent to be received, could not criminate a man, unleſs there was ſomething to connect him with the ſpecific thing from whence the crimination was to ſpring. If this evidence is only to be received in that faſhion, and ſubject to that limitation, I do not believe my friend or myſelf would feel ourſelves diſpoſed at all to oppoſe our private judgment to the judgment of that auguſt Court of which I ſpeak; but what we ſtruggle againſt is, that what Jackſon in this letter propoſes to communicate can be evidence againſt this gentleman in any other way than that Mr. Jackſon was guilty, and I do not care whether he was or no.

Mr Attorney General. This is not the time for me to trouble the Court with any anſwer upon the effect of this evidence, the queſtion is, the competency of the evidence; and no eloquence can perſuade me (if any could, that gentleman's would) that any evidence can be received in a trial between the Crown and a priſoner which is not evidence to be put to the Jury, whether it does affect that priſoner or not.—I ſay diſtinctly, and I hold it to be my duty to myſelf, but I have a higher duty to the Court, to ſtate, that in theſe caſes the evidence which was received was received upon the principle that is ſtated—upon the principle that has been acted upon in every caſe of Treaſon, in every caſe of murder, in every caſe of conſpiracy that is to be found, where the act of any particular perſon has been given in evidence againſt any man abſent. I would not upon thoſe trials —I am a ſmall man, but I have a right to ſay this reſpecting myſelf—I would not have offered the evidence, if I had not been perfectly perſuaded that, according to the law of England, the evidence was receivable; and I am clear the law of England can never admit evidence to be received which it will not permit to go to the Jury, finally to determine whether it does or not affect the priſoner: but where perſons are brought together,

acting

acting for one and the ſame common end, whatever one does with reſpect to one and the ſame common end is a fact to be received in evidence againſt all of them; and, unleſs upon the diſcuſſion of the effect of the acts which individuals do, and the acts which other individuals do, engaged in the conſpiracy, you cannot ſay the individual is guilty, you muſt acquit him, but ſtill if he acts in furtherance of the ſame conſpiracy, it muſt go to the Jury, to determine whether the accuſed does authoriſe and concur in thoſe acts done in furtherance of the conſpiracy.

My friend ſurpriſes me when he ſeems to forget what paſſed on the late trials. Does he forget the letter of Martin, addreſſed to no perſon? and the letter of Thelwall, in which he ſpoke of the Americans having too much veneration for property, too much religion, and too much law; and which was addreſſed to a particular perſon, but which had reference to the Society who were charged (and I am bound to ſay now, without foundation) for conſpiring. My friend ſays, if perſons are trying together for a conſpiracy, you may do it; I ſhould be glad if he will inform me how I can try, upon this record, Mr. Jackſon, who was tried and died a year ago. I take it in Lord Stratford's trial, which was the inſtance Mr. Juſtice Buller gave, as ſome of your Lordſhips may remember, in ſupport of his opinion upon the ſubject, this ſort of evidence was admitted. In the caſe your Lordſhip knows of murder, where a man holds horſes at a gate, and the murder is committed in the field, the acts in the field are to be given in evidence againſt the man who ſtands at the gate: why? becauſe it is for the Jury to conſider, whether the ſtanding at the gate, holding the horſes, is an act done in execution of one common purpoſe with thoſe who in his abſence are murdering the perſon: in the caſe of riot and of burglary it is the ſame. I know this is a moſt important queſtion to go to the Jury, in the caſe I laſt put; if then the Jury are of opinion that the man who held the horſes did not know the purpoſe of thoſe who were committing the murder in that field, he is not guilty of the murder, yet ſtill it is to go to the Jury, whether the act of holding the horſes is or is not an act

in

in furtherance of the common deſign of all; and if the common deſign of all to commit a murder is made out, then it is for the Jury to determine, whether the holding the horſes is a part of the conſpiracy proved by antecedent evidence in the illegal act, or whether, on the other hand, it is not a part of that project to which ſo much guilt is attached; and, comparing the antecedent evidence, they are to ſay, upon the whole, whether the evidence ſhews he is guilty or not. My learned friend does not deny the competency of the evidence; I am certain he never would; and I am ſure if all the Bar of England had not agreed that this had been evidence admiſſible, that the learned Judges would not have permitted it to have been given.

Mr. Erſkine. I have not been underſtood; moſt undoubtedly I ſaid, if your Lordſhip received this, which was the language uſed by my Lord Chief Juſtice, which I could not then lay my hand upon, but in which I was confirmed by the recollection of my learned friend, who ſits by me, having been uſed in more caſes than one merely, that if this is afterwards brought home to the priſoner, then it becomes criminal againſt him, but it is competent to be admitted.—What ſays my Lord Chief Juſtice Eyre in anſwer to me, when I ſay, I am not defending the life of Hardy only, but my own life, and every man's in the Country; if it be ſuppoſed Hardy is cognizant, and if the Crown can ſhew the proceedings of the Convention were known to, and approved of by Hardy, my objection falls to the ground.

Lord Chief Juſtice Eyre ſaid—"I take it for granted they "mean to do that, becauſe otherwiſe the proceedings of the "Convention at Edinburgh can be nothing in this cauſe:"* the ſame ſays Mr. Juſtice Lawrence, in thoſe words, which I ſhall read, in another part of the ſame trial—"In Lord Strafford's "caſe a great deal was proved againſt Lord Strafford in Spain, "the Low Countries, Italy, and various other places; and in "Lord Lovat's caſe, a great deal was proved againſt him that "was done in various places, and unleſs ultimately brought and "fixed upon him it amounted to nothing."† Now, the reaſon

* *Vide Hardy's Trial, vol.* 1, *page* 276.

† *Vide Tooke's Trial, vol.* 1, *page* 167.

why

why I ſtruggle againſt it is this, for fear that the Jury ſhould hear this paper read, and ſuppoſe that it is to be read as if it was the act of the Defendant, whereas it is merely read as admiſſible evidence.

Mr. Garrow. This is not the time to argue before the Jury, the queſtion is, whether it is receivable or not; my friend has made two arguments to ſhew it is receivable.

Mr. Erſkine. I ſtated it that your Lordſhip might know, as you ſeemed to deſire to know, what was ruled upon that trial.

Lord Kenyon. I have the good luck to know that from the two learned Judges who ſit upon my left hand; I learn from them that evidence of this kind was received, and upon that I think I am bound to receive it.

Mr. Juſtice Lawrence. The firſt debate was in Hardy's caſe, I was not preſent upon that trial, but in the caſe of Tooke ſomething of the kind was mentioned, and I believe I did refer to Lord Strafford's caſe; but then the point under examination was, whether they could not give general evidence of acts of other people to ſhew that there was a general conſpiracy; that was the point to which I quoted Lord Strafford's caſe. But when you have once fixed a number of perſons to be conſpiring to a common end, is not the act of one the act of all?

Mr. Juſtice Groſe. There was one point agitated upon Hardy's trial, in which Mr. Juſtice Buller and I differed from ſome other learned Judges: I was then moſt clearly of opinion, that where a number of perſons were all fixed, as conſpiring to one end, that the act of one, though ſeparate from the reſt, for the purpoſe of forwarding that act, was evidence.—That was my opinion; and after that I gave another opinion upon a ſimilar point in that way.

Lord Kenyon. There is no doubt upon earth that, up to a certain extent, the caſe alluded to in the argument of ſeveral perſons going out to commit a burglary, and ſo forth, you may, in order to affect a perſon in the lane holding the horſes, prove every thing that happens in the houſe, though that party was not preſent, nor cognizant of the fact: that goes a great way to remove the ſcruples one has ſitting in a caſe of blood, which

raiſes

raiſes doubts in one's mind, when otherwiſe one ſhould have no doubt, and really it was from thoſe which I hope were not illaudable motives that I had that doubt.

[*No.* 32, *read.*]

" London, 17th March, 1794.

" As I have written to you by every channel, and not through " one received a line in anſwer, you may naturally ſuppoſe I " do not feel myſelf altogether eaſy in my mind, particularly " as certain inquiries are making reſpecting me in a quarter " unfavourable to your views and mind. I ſet out this even- " ing for your native ſoil, and during my abſence, the relative " of our common friend will do every thing his rectitude of " principle, and good heart, ſhall direct. I truſt that my laſt " letter gave you a thorough inſight into the temper of the " people of this Country, ſo as not to leave you any ground to " ſuppoſe that they would favor the French in any of their " hoſtile views on our iſland. Your friends in Amſterdam may " be perfectly ſafe on that head, not but there are many here " who are ſurprized that the French, if they really intended a " deſcent, have not effected it to the northward of the Downs, " where, as at Shields, Newcaſtle, and other places, there " is nothing to oppoſe them; they might deſtroy the coal works " with the greateſt eaſe, if they ſhould not chuſe to keep their " landing. Shame on the neglect of our Miniſters, in not " better defending the coaſt. You aſk my opinion on the hope " of ſucceſs entertained by Miniſters here. I know you to be " a ſtaunch friend to England, yet I will not deceive you; " from what I can collect, the chief dependence of Miniſters " here for ſucceſs, is on ſome machinations formed in con- " junction with agents in their pay, to throw all into confuſion " at Paris in the Government department. A perſon with " whom I converſed yeſterday, and who has an intereſt in the " True Briton, a paper ſet up by Government told me, That in " leſs than a week all Paris would be in anarchy; that Ro- " beſpiere and his party would be ſent to the devil, as thoſe " who would put every thing to rights, had got hold of the

" people.

" people. It is not by campaigning, but intriguing, that we
" muſt prevail. On this principle aſſignats are forging every
" day here, and I will endeavour in my next to ſend you ſome,
" that you may know the true from the falſe. A Madam Beau-
" lieu, whoſe huſband they tell me, is at Paris, and who, when
" here, paſſed for a flaming Democrat, has circulated to the
" amount of ten thouſand pounds worth of aſſignats forged
" here. One Gill, who eſcaped from Paris, entered into a ſort
" of partnerſhip with Lord Wm. Murray, brother to the Duke
" of Athol, and in conjunction with a paper maker, they ſtruck
" off an immenſe quantity. Lord William is now in priſon
" for debt, where he ſells aſſignats. Gill was perfectly ſkilled
" in what is called the water mark, which is the great art.
" I ſhould think if Madame Beaulieu was on good terms with
" her huſband under the maſk of democracy, he might carry over
" quantities of this forged paper, but as I do not know, ſo I
" will not judge him. It would make a good article in one of
" Barerre's reports, to ſtate the infamy of titled perſons being
" concerned in ſuch a traffic, and the perfidy of the Engliſh
" Miniſter in ſuffering mills to be at work in making paper
" for forged aſſignats. What would not be ſaid of the French
" if they inſtituted a mint for the coinage of guineas of baſe
" metal, and employed agents to circulate them? I wiſh Barerre
" knew this, and would give them a touch. It is certainly
" one of the crimes of the Britiſh Government. It is true the
" Miniſter urges, that conſiſtent with the liberty every man has
" here to manufacture what he pleaſes, the Government cannot
" intefere; but the Miniſter can publickly diſavow his ſanction
" of the meaſure. He can ſay, that if it be carried on, it is
" without his knowledge, and contrary to his inclination; he
" can, in ſhort, clear himſelf of the imputation; his not doing
" which, evidently implies his approbation of the meaſure.
" You ſay you wiſh for peace, ſo do I—but the Miniſtry here
" flatter themſelves that whenever they pleaſe, the French will
" treat with them for peace; I wiſh they were undeceived in
" this reſpect. I wiſh the French Government would ſtate
" their ſolemn determination, that they never will treat for

" peace

" peace with Pitt, or any of the preſent Miniſters. This would " cauſe the people who are deſirous of peace to make ſome " movement to get rid of the preſent Miniſters, as obſtacles " to what they deſire. Not that the French have more to ex- " pect from the oppoſition than from the miniſterial party. " They are none of them friends to liberty on an enlarged " ſcale; they are all rooted Ariſtocrats, friends to order; that " is, to ſubordination, ariſing not from a generous acquieſcence " to promote the common good, but from a ſlaviſh ſubmiſſion " reſulting from a preſumed natural inferiority; the remains, " in ſhort, of the feudal ſyſtem, Lord and Vaſſal. To this " ſyſtem, more or leſs, the inns and the outs of this Country " are attached, and all hopes of any effectual change in the " prevalent ſyſtem, are vain. It may be in embryo, but in " my opinion, a long time will be required to ripen it into " exiſtence. The true way for France, and the beſt language " ſhe can hold out is, an inveterate hatred to the preſent Mi- " niſters as perfidious monſters, enemies to mankind; a reſolve " deeming it derogatory to a people glorying in liberty, even " to hold the moſt diſtant commerce with them, much leſs to " treat on any object of conſequence. That the people of " England muſt ſweep the offices of ſuch vermin, before they " can expect that Frenchmen will deign to talk to them. This " lofty language will greatly affect the people here, and even with " the oppoſition, the ſtile cannot be too high; they are only Ari- " ſtocrats of another kind; ſerpents of a different coloured hue. " This is my ſincere opinion, reſulting from obſervation, and a " knowledge of characters. I encloſed you papers containing the " opinions of the higheſt perſons here, Lanſdowne, Lauderdale, " Smith, in Pitt's confidence, but who has left him, Sheridan, " Lauderdale, Vaughan who writes the Calm Obſerver. I " did this to ſatisfy you and your friends at Amſterdam. I " ſent duplicate of thoſe papers. The rumour of the King of " Pruſſia's defection from the alliance has cauſed a certain " dejection here; I am aſtoniſhed the French do not ſeize the " moment, and tumble in a maſs on the enemy in their Country. " Now while the wiſeacres of this Cabinet are deliberating,

" would

" would be the very inſtant to ſtrike a blow, it would cauſe " ſuch a conſternation, were it attended with ſucceſs, as might " prove the death wound of the confederacy. Thank God the " French, do not ſeem to view the matter in this light; if they " did they would have an advantage over us, although you have " reſided ſo long in Holland, yet you know our character, we " are extremely ſubject to a panic.

" We are flushed with hope, elated in our own ſtrength, and " if a diſappointment arrives in the moment, when we imagine " every thing will fall before us, a gloom prevails, deſpondency " enſues, and the leaſt diſcomfiture, in ſuch a moment, gives us " a panic. This is the Engliſh character. Thus at the pre- " ſent we were about to open a brilliant campaign—Pruſſia was " to be ſubſidized, conſequently an addition of force to the " amount of eighty thouſand men, was trumpeted in the mini- " ſterial papers, as an all-conquering circumſtance, while ex- " pectation was mounted that this force was preparing to march, " comes a check to our wiſhes, by the King of Pruſſia's declin- " ing to act as a principal. The cabinet is of courſe diſcon- " certed, and as I ſaid before, were the French now to ſtrike " any blow, a general panic would enſue. Heaven forbid they " ſhould do ſo. You aſk me about the Country. The ſub- " ſcription for raiſing men, in the ſeveral counties, does not go " on with the ſpirit that was expected. A languor prevails in " the buſineſs. Great oppoſition is made to the meaſure, and as " the miniſter dare not ſay, that the meaſure is not illegal, a " great triumph is thereby gained over him by oppoſition: little " as ſuch triumphs may appear on the general ſcale of things, " yet they have a conſiderable effect on the public mind; for the " inference, or rather the reaſoning runs thus—the miniſter has " done one illegal act, why may he not do another? and, what " are we to think of a miniſter whoſe meaſures are illegal and " unconſtitutional? we ſhould be afraid of ſuch a man. He " may have bad deſigns; that he has acted illegally is plain, for " he dares not ſay to the contrary. His very friends who ſupport " him acknowledge the illegality of the meaſure. The caſe has " been determined againſt him years ago. On theſe principles

" a triumph is gained. The French might improve on this, " and tell their people, that Pitt, to raiſe money and men, to " defend the Country, was obliged to have recourſe to a method " illegal, and unconſtitutional; to carry on his plans he trampled " on the law, and Conſtitution of his Country, and thus proved " his diſregard of every principle, at the time he was railing " againſt the ruling powers of France for not paying attention " to political ties.—You aſk me, how we may diſcover the views " of our cabinet? I anſwer, that it is the eaſieſt thing in nature; " the views are to be diſcovered in the ſpeeches of Lord Hawkeſ- " bury, and Mansfield; the firſt particularly is the mouth piece " of the King, and has been ſo for five and twenty years. The " laſt is an echo of the mouth piece.—Thus, when Mansfield " tells you, as he lately did, that there can be no peace until " the Jacobin faction is deſtroyed;—you may reſt aſſured that " thoſe are the principles of Hawkeſbury, and the Cabinet. " The ſame as to what Mansfield ſaid, that no expence was too " great to reſtore Louis the XVII.—Watch Hawkeſbury prin- " cipally, Mansfield ſecondarily, and you have the clue. In the " Houſe of Commons, watch Charles Jenkinſon, Hawkeſbury's " ſon, and you diſcover the whole, ex pede herculem.

" I ſhall hope, although I have almoſt done hoping, that the " relative of our friend will have a letter for me. Direct for " Mrs. Cokayne, Lyon's-Inn, near St. Clement's, London.

" Let Capehorn encloſe this, either to Hambourgh or Amſter- " dam, and deſire his friend to forward it. I ſent you a packet " through a Mr. Parkyns, now at Hambourgh, which he en- " gaged to forward, but I have not heard a ſyllable from him. " I, however, ſhall continue my correſpondence, and you muſt " acknowledge them in the lump. The line of buſineſs you " marked out, I will diligently purſue, conſiſtent with the riſk " neceſſarily attending the export of articles periſhable in their " nature. I conclude with wiſhing all happineſs to England. " Tell my friends I never forget them. Adieu. Tell the father " of Auguſt, how much I love him."

Incloſed in a cover marked ⋈.

One of the Jury. Whoſe letter is that?

Mr. Erſkine. Mr. Jackſon's.

Mr. Serjeant Adair. It never came to the ſight of Mr. Stone at all.

Mr. Erskine. It does not appear that ever it was ſent to Amſterdam.

Lord Kenyon. It comes with a croſs upon it, which croſs was to be put by directions to a certain houſe at Amſterdam, then to go to Hamburgh, under another direction, and then upon each of the envelopes it was to be forwarded.

Mr. Erſkine. But it does not appear that that letter was ſent to the perſon with the croſs.

Mr. John Cokayne, (ſworn)

Examined by *Mr. Garrow.*

Q. I believe you are an attorney, reſident in Lyon's-inn?

A. I am.

Q. Were you acquainted with the late Mr. Jackſon, who was tried in Dublin for High Treaſon, and who died there?

A. I was.

Q. Be ſo good as look at this paper (No. 25.) and tell me by whom that addreſs to Meſſrs. Lawrence and Company, Rutland Place, is written?

A. By me.

Q. Look at that which was contained within the cover, and tell me to whom that was addreſſed, and by whom?

A. It was addreſſed to Mr. Stone.

Q. By whom was it written?

A. By the late Mr. Jackſon.

Q. By whom is that other paper written?

A. Mr. Jackſon.

Q. There are two papers?

A. Yes.

Q. Are they part of the ſame letter?

A. They are.

Q. And who were they written by?

A. Mr. Jackſon.

Q. (to *Mr. Walſh.*) Pleaſe to look at that addreſs to Mr. Stone, and the body of the letter, contained in two ſheets—whoſe hand-writing do you believe them to be?

A. Mr. Jackſon's.

Iſaac Dejoncourt, Eſq. (ſworn)

Examined by *Mr. Garrow.*

Q. I believe you are deputy Comptroller of the Poſt-Office in Dublin?

A. I am.

Q. Whether you intercepted that letter (No. 25.) in the Poſt-Office?

A. I did.

Q. Was it a letter put into the Poſt-Office, in the city of Dublin, to be forwarded from thence?

A. It was.

Iſaac Dejoncourt, Eſq.

Croſs-examined by *Mr. Serjeant Adair.*

Q. You intercepted it in the Poſt-Office, in Ireland?

A. Yes.

Q. Of courſe it never found its way to the gentleman to whom it was addreſſed in England?

A. Certainly not.

[*No.* 25, *read.*]

" Dear Sir, " Dublin, 21ſt April.

" Yeſterday your letter was delivered to me. I am glad to " find that the patterns I ſent have reached the perſons for whom " they were intended; as, from the ſilence of the parties, I " concluded that the out rider had neglected the delivery of them. " I do not ſee any thing in the late change of faſhions, which " alters my opinion of the ſtability of the new inſtitution; par- " ticularly as the principal perſons who ſuperintend it, I never " have been able to detect in the ſlighteſt deviation from the " line of conſiſtency; the reſt have all at times been ſuſpected " of ſiniſter motives and tergiverſation.

" The

" The ſtate of manufactures in England which your friend " drew out, and which you ſo obligingly gave me, is very juſt, " as far as it relates to England; but the principles of the peo- " ple with regard to trade, their opinions as to a change to be " brought about by induſtry and co-operating exertion, are ſo " totally different, as to throw all compariſon out of the queſ- " tion. I am promiſed, by an eminent and very ſenſible manu- " facturer, a ſtatement of the manufacturing branches here, " which will gratify you.

" I ſhall obey the inſtructions of your ſiſter-in-law, by not " writing to her, which does not, however, preclude me from " requeſting that when you write, you will remember me in " the moſt affectionate manner to her and Mr. Nicholas. Let " them know where I am, and that I am doing every thing in " my power to ſerve Mr. Nicholas, and give him ſatisfaction in " bringing his affairs to the iſſue he wiſhes. His friends here " have it in agitation to ſend a perſon on whom his family and " he can depend, to him with copies of ſuch covenants and leaſes " as will ſhew the readineſs of his ſiſter-in-law here to come " immediately to terms with him; and I ſhould adviſe a junc- " tion of intereſt, rather than a tedious chancery ſuit. I wiſh " you would copy this part of my letter, and ſend to him; a " few days will decide whether the perſon goes or not; if he " ſhould, he will go from me, and the family here, with full " powers to treat with Mr. Nicholas, finally ſettle the terms, " and thus put an end to enmity and litigation. I am ſure the " medium of a third perſon is all that is wanting to bring the " parties perfectly to accord. The ſiſter-in-law is admirably " diſpoſed to a reconciliation. I hope this will be effected, as " one interview is better than a thouſand letters. If the perſon " ſhould go, Mr. Nicholas muſt receive him as he deſerves, and " treat him as he will merit. I had written the above during the " negociation with a perſon to go to Mr. Nicholas. He has " this morning, the 24th of April, decided that his private " affairs will not permit him. I ſhall therefore ſend a ſtatement " of the family expectations, and ſituation here, drawn up by as

" eminent a pleader as the gentleman who compoſed the paper " in England.

" I ſhall ſet out for Cork in a day or two, from which place " you ſhall hear from me; and ſhould you receive any intelli- " gence from, or of our friends, I intreat you to communicate " it to me, under cover, to John Cokayne, Eſq. to be left at " the Poſt Office, Cork. I wiſh you would write the firſt " poſt day to your ſiſter-in-law, and deſire her to inform Mr. " Nicholas, that to-morrow I ſend off two letters for him " from his friends here, containing opinions thoroughly con- " ſidered and well digeſted by the firſt Counſel here; as ſuch " he may ſhew them, and the family may act accordingly: as " my time has been wholly employed in collecting them, and as " they come from the firſt and moſt enlightened ſources, let " your ſiſter-in-law deſire Mr. Nicholas to look out for them " as matters of conſequence; they contain the real ſtate of the " caſe. I ſincerely wiſh your happineſs and that of your family, " and am truly yours,

" THOMAS POPKINS.

" Do not fail to communicate to Mr. Nicholas, by the means " of your ſiſter-in-law, what I have written."

" *Mr. Stone.*"

Incloſed in a cover, directed,

" *Meſſrs. Lawrence and Co. at their Coal Wharf, Rutland* " *Place, near Black Friars Bridge, London.*"

Mr. John Cokayne.

Examined by *Mr. Garrow.*

Q. I believe you have been acquainted with Mr. Jackſon for many years?

A. Many years.

Q. When was your intercourſe renewed with him the laſt time?

A. I think in January, or February, 1794.

Q. Had

Q. Had it been interrupted for any conſiderable length of time; and by what means?

A. About the year 1790, or 1791, or it might be 1792—Mr. Jackſon left the Kingdom on account of ſome debts, that he had incurred for the Royalty Theatre.

Q. Do you know to what part he went?

A. He went to Paris, I believe, or to France.

Q. He returned to this Kingdom about January, or February, 1794?

A. He returned to England in 1792, upon ſome buſineſs.

Q. He returned, however, for the purpoſe of this cauſe finally, in January, or February, 1794?

A. He did.

Q. He came to you in London—I am not at liberty to go through the detail of all that Mr. Jackſon ſaid, and all that he did, you will underſtand that.—Had you intercourſes with Mr. Jackſon, while he continued here in London?

A. I had.

Q. Where did he reſide?

A. At the Buffalo Tavern, in Bloomſbury Square.

Q. Was that a place of your procuring for him?

A. It was.

Q. Did you ſee him frequently?

A. Hardly two days paſſed without my ſeeing him.

Q. You ſaw him almoſt daily?

A. Almoſt daily.

Q. How long did he continue here?

A. I ſhould ſuppoſe ſix weeks, or there abouts—till he went to Ireland.

Q. He continued at the Buffalo Tavern till he went to Ireland?

A. Yes.

Q. Mr. Jackſon was, I believe, a clergyman?

A. He was.

Q. He was a native of Ireland?

A. I believe ſo.

Q. Did you underſtand ſo from himſelf?

A. I did.

Q. From the intercourſe that you had with him, whilſt he was here, which you have deſcribed to be almoſt daily, do you know that he had any commercial concerns, which he tranſacted with any commercial or other perſons in this Country?

A. I do not know of any.

Q. Was he a perſon publicly ſeen tranſacting buſineſs in this town, or keeping himſelf retired and concealed from the view of the public?

A. Wiſhing to conceal himſelf, as he told me, from the view of his creditors.

Q. Did he conduct himſelf as wiſhing to conceal himſelf, or as a man publicly ſeen by every body?

A. As a man concealing himſelf.

Q. Did any thing in the conduct of Mr. Jackſon—no matter what—and your knowledge of his buſineſs here, lead you to make any communication to any perſon in his Majeſty's confidence, to any miniſter?

A. It did.

Q. When did you make ſuch communication?

A. Sometime in March, 1794.

Q. You ſaw Mr. Pitt upon the ſubject?

A. I did.

Mr. Garrow. What paſſed between Mr. Pitt and you I am not at liberty to aſk?

Mr. Cokayne. I wiſh you were.

Q. I believe I may aſk without treſpaſſing upon any rule—Whether you communicated to Mr. Pitt your intention of going abroad, either alone or with any other perſon?

Mr. Erſkine. I object to the queſtion.

Mr. Attorney General. They have ſubpœnaed Mr. Pitt, and, therefore, they may call him.

Mr. Garrow. Whilſt Mr. Jackſon remained here did you, in fact, direct any letters for him?

A. Several.

Q. I cannot ask you to whom, but were the letters for a foreign or domeſtic deſtination?

A. Foreign.

A. Foreign.

Mr. Erſkine. That is not evidence.

Mr. Garrow. We will produce the letters to the witneſs in a moment—after you had ſeen Mr. Pitt and had had ſome communication with him, did you go to Ireland, and with whom?

A. Yes, with Mr. Jackſon.

Q. Can you tell us when you arrived at Dublin?

A. About the 2d or 3d of April I believe.

Q. Caſt your eye upon this letter, *(ſhewing it to the witneſs)* and tell me whether after you arrived in Ireland, you received it by the poſt?

A. I do not think I did receive it, but I cannot ſpeak with certainty.

Lord Kenyon. What is this?

Mr. Attorney General. It is a letter I particularly opened, your Lordſhip will hear the particulars of it preſently.

Mr. Garrow. Whilſt you and Mr. Jackſon were in Ireland, were you preſent at any time with Mr. Jackſon in company with a gentleman of the name of Hamilton Rowan?

A. I was.

Q. Where was Mr. Hamilton Rowan at that time?

A. In Newgate in the city of Dublin.

Q. Did you read the contents of any of the letters which you addreſſed for Mr. Jackſon when in Dublin, to any other place?

A. One.

Q. Can you point it out, if it is ſhewn you?

A. I believe I could.

Lord Kenyon. At whoſe requeſt did you direct that letter?

A. At Mr. Jackſon's requeſt.

Mr. Garrow. Were there any other perſons preſent in Newgate with Hamilton Rowan and Mr. Jackſon, beſides you?

A. I was there more than once.

Q. To begin with the firſt, how early after he arrived there did you go to Newgate to ſee Mr. Hamilton Rowan?

A. Mr. Jackſon went firſt of all without me.

Q. Who was preſent the firſt time you went?

A. I believe Mr. Tone.

Q. He is a gentleman of the law in Ireland?

A. Yes, I heard he was at the Bar.

Q. Did you hear any converſation between Mr. Jackſon, Hamilton Rowan, and Mr. Tone, with reſpect to Mr. Tone's going from Dublin to any place, to what place, and upon what buſineſs?

A. I heard a propoſition from Mr. Rowan and Mr. Jackſon, for Mr. Tone to go to France.

Q. For what purpoſe?

A. I cannot expreſsly ſay for what purpoſe particularly.

Q. State as nearly as you can, from the converſation at the time between the parties, the nature of the buſineſs he was to execute there?

A. The nature of the buſineſs which I could collect from the converſation, was that Mr. Tone was to go to France, to carry with him ſome letters from Mr. Rowan or Mr. Jackſon, to inform the people of France of the diſaffection of the people of Ireland to this Conſtitution and to the Government of this Kingdom, and by his means to propoſe to them to give the Iriſh aſſiſtance, to effect an invaſion by the French upon Ireland.

Q. Was any thing more ſtated in that converſation, as to the ſtate of the tempers of the people in Ireland, or the amount of their diſaffection to the Government?

A. I cannot repeat the exact converſation, the general tenour of the converſation was ſuch—the general ideas of the parties were ſuch as I have ſtated.

Q. Do you know whether finally Mr. Tone did accept of that employment, or decline it?

A. It was propoſed to him firſt, and he in part accepted it.

Q. Did he finally agree to go, or decline it?

A. He at firſt partly acceded to it—he was called into the country, and he left undetermined whether he would go or not—in the interim while he was gone from Dublin upon ſome buſineſs of his own; Mr. Jackſon thought he had left Dublin abruptly, without particularly ſaying whether he would or not go, and Dr. Reynolds of Dublin was applied to before Mr. Tone came back. Dr. Reynolds when he was applied to, ſtarted at the motion, feeling

feeling ſeveral obſtacles in the way, and he was undetermined likewiſe—Mr. Tone returned back from the country, and a meeting was held of Mr. Rowan, Mr. Jackſon, and Mr. Tone, at Newgate—after ſtating his objections why he could not go, and they being in part over-ruled, by the perſuaſion of Mr. Jackſon and Mr. Rowan he acceded to go, but wiſhed to ſtay a certain time before he ſhould go, until ſome pecuniary concerns of his were ſettled—he expected a conſiderable ſum of money from ſome Society that he was connected with, a Roman Catholic Society, till he was re-imburſed that ſum, as going before that matter was accompliſhed, might prevent him from receiving it.

Q. Did that interview end ſo?

A. It did.

Q. Did they meet again?

A. I do not think they did, they did not in my preſence.

Q. Do you happen to know of your own knowledge, whether Mr. Tone finally did go upon this embaſſy or declined it?

A. I do not know that he did go, but he did not decline it—at the laſt converſation I can ſpeak with preciſion to, he acceded to go, only he deſired time to ſettle the affair I mentioned.

Q. Look at this letter, (No. 27*,) by whom is the outſide addreſs written?

A. By me.

Q. By whom was the inſide written?

A. By Mr. Jackſon.

Q. Is there any addreſs now you have opened it?

A. Yes, a Monſieur Monſieur Dandibuſcaille à Amſterdam.

Q. Who is that inner direction written by?

A. By me.

Q. By whoſe direction did you write that?

A. By Mr. Jackſon's.

Q. There is a croſs?

A. Yes.

Q. Is that a cover within the ſecond?

A. It is.

Q. Who is that written by?

A. I do not know.

Q. Not by you then?

A. No.

Q. There is written upon that cover a desire to be remembered to somebody, whose writing is that?

A. Mine—by Mr. Jackson's directions.

Q. Whose hand writing is what is contained within the body of that cover?

A. I do not know.

Q. Is it your hand writing?

A. It is not.

Q. Is it Mr. Jackson's?

A. It is not.

Q. *(to Mr. Dejoncourt)* Was that letter put into the General Post-Office at Dublin, and intercepted?

A. It was.

[*No.* 27*, *read.*]

" The situation of England and Ireland is fundamentally " different in this — The Gov^t. of England is national, " that of Ireland provincial; the interest of the first is the " same with that of the people, of the last directly opposite. " The people of Ireland are divided into three sects—the " Established Church, the Dissenters, and the Catholics. The " first, infinitely the smallest portion, have engrossed besides " the whole church patronage, all the honours and profits of " the Country exclusively, and a very great share of the " landed property. They are of course Aristocrats, averse " to any change, and decided enemies of the French Revolu- " tion. The Dissenters, who are much more numerous, are " the most enlightened body of the nation; they are steady Re- " publicans, devoted to liberty, and through all the stages " of the French Rev^n. have been enthusiastically attached to " it. The Catholics, the great body of the people, are in the " lowest degree of ignorance and want, ready for any change, " because no change can make them worse. The whole pea- " santry of Ireland, the most oppressed and wretched in " Europe,

" Europe, may be ſaid to be Catholic. They have, within " theſe two years, rec^d. a great degree of information, and " manifeſted a proportionate degree of diſcontent by various in- " ſurrections, &c. They are a bold, hardy race, and make ex- " cellent ſoldiers. There is no where a higher ſpirit of Ariſto- " cracy, than in all the privileged orders. The Clergy and " the Gentry of Ireland, down to the very loweſt; to counter- " vail which there appears now a ſpirit riſing among the people " which never exiſted before, but which is ſpreading moſt " rapidly, as appears by the Defenders as they are called, and " other inſurgents. If the people of Ireland be 4,500,000, as " it ſeems probable they are, the Eſtabliſhed Church may be " reckoned at 450,000; the Diſſenters at 900,000; the Ca- " tholics at 3,150,000. The prejudices of the Engliſh nation are " adverſe to the French, under whatever form of Government. " It ſeems idle to ſuppoſe the preſent rancour ag^st. the French " is owing merely to their being Republicans; it has been " cheriſhed by the manners of four centuries, and aggravated " by continual wars. It is morally certain that any invaſion of " England would unite all ranks, in oppoſition to the invaders " in Ireland, a conquered, oppreſſed and inſulted Country " the name of England, and her power, is univerſally odious, " ſave with thoſe who have an intereſt in maintaining it; a " body, however, formidable only from ſituation and property; " but which the firſt convulſion would level in the duſt; on " the contrary, the great bulk of the people would be ready " to throw off the yoke in this Country, if they ſaw any force " ſufficiently ſtrong to reſort to for defence, until arrangements " could be made. The Diſſenters are enemies to the Engliſh " power, from reaſon and reflection. The Catholics from " a hatred to the Engliſh name. In a word, the prejudices " of one Country are directly adverſe of the other, directly " favourable to invaſion. The Government of Ireland is only " to be looked upon as a Government of force. The mo- " ment a ſuperior force appears, it would tumble at once, as " being neither founded in the intereſts, nor in the affections of " the people. It may be ſaid the people of Ireland ſhew no poli-

" tical

" tical exertion. In the firſt place public ſpirit is completely " depreſſed by the recent proſecutions of ſeveral. The Con- " vention Act—Gunpowder Bill, &c. &c. Declarations, there- " fore, of Government, of Grand Juries, or parliamentary " unanimity, all proceeding from Ariſtocrats, whoſe intereſt " is adverſe to that of the people, and who think ſuch conduct " neceſſary for their own ſecurity, are no obſtacles—the weight of " ſuch men falls in the general welfare, and their own tenantry " and dependants would deſert and turn againſt them. The " people have no way of expreſſing their diſcontent *civiliter*, " which is at the ſame time greatly aggravated by thoſe mea- " ſures, and they are, on the other hand, in that ſemi-barbarous " ſituation, which is of all others the beſt adapted for making war. " The ſpirit of Ireland cannot therefore be calculated from newſ- " paper publications, county meetings, &c. at which the " gentry only meet, and ſpeak for themſelves; they are ſo " ſituated that they have but one way left to make their ſenti- " ments known, that is, by war. The church eſtabliſhment " and tythes are very ſevere grievances, and have been the " cauſe of numberleſs local inſurrections; in a word, from " reflection, intereſt, prejudice, the ſpirit of change, the miſery " of the great bulk of the nation, and above all, the hatred of " the Engliſh name, reſulting from the tyrrany of near ſeven " centuries, there ſeems little doubt but an invaſion would " be ſupported by the people; the militia, the bulk of whom " are Catholics, would, to a moral certainty, refuſe to act, " if they ſaw ſuch a force, as they could look to for ſupport."

In the firſt envelope,

" Remember me to Languelot and our friends. ⋈ "

Second evelope directed,

" A Monſieur Monſieur Dandibuſcaille, à Amſterdam."

Third envelope directed,

" A Meſſ. Texier, Angely, et Maſſac, à Amſterdam."

Lord Kenyon. If ſitting ſome hours longer would bring this trial to an end, we certainly would ſit, but I am afraid we ſhall not bring it to an end.

Mr. Serjeant Adair. It is for me to obey the directions of the Court.

Lord Kenyon. We will ſit as long as human nature will hold out; you gentlemen know how long it is likely to laſt?

Mr. Attorney General. We have ſtill evidence to give, which will take up ſome time—I wiſh undoubtedly on the part of the public, to put myſelf under the direction of the Court.

Lord Kenyon. That direction muſt proceed from knowing ſomething more of the matter—how much longer is your evidence likely to continue?

Mr. Attorney General. I cannot very accurately ſtate that to your Lordſhip, becauſe it depends a good deal upon what may happen with reſpect to the manner of treating the evidence on the other ſide.

Mr. Erſkine. The croſs-examination of Mr. Cokayne cannot take up much time—I do not conceive that we can have three queſtions to put to him.

Mr. Attorney General. Whether their caſe is likely to be long or not?

Mr. Serjeant Adair. We muſt call ſeveral witneſſes, but our evidence will not go to an equal length with that for the Crown—becauſe circumſtanced as we are, we ſhall have no written evidence to trouble the Court with.

If your Lordſhip finds it too much for the Court and Jury to go through the whole of this very important trial to day, perhaps your Lordſhip might think in that caſe, and upon that ſuppoſition (about which I have no perſonal wiſh at all) that it would be arranging matters moſt conveniently, if my learned friend cloſed his evidence for the Crown to day; and that we might be permitted to make our defence to morrow?

Mr. Attorney General. I am very deſirous to do what the Court may think proper—but I cannot undertake to ſay, in my view of the ſubject, that his Lordſhip would be kept here leſs than four hours longer—for it will be neceſſary for us to compare certain papers that will be produced out of the cuſtody of the priſoner, with certain original letters likewiſe found in the cuſtody of the priſoner; we have alſo ſome witneſſes to call from Ireland, that may be important.

Mr.

Mr. Serjeant Adair. I am perfectly ready to acquieſce in what the Court may think right. I can only ſay, that the line which the Attorney General at preſent ſeems inclined to chalk out, is likely to produce an extreme hardſhip on the part of the priſoner, becauſe Mr. Attorney General propoſes to leave his evidence to a conſiderable length ſtill unfiniſhed, and to proceed with that evidence upon a freſh day with the unimpaired and awakened attention of the Jury; and we ſhall be called upon, on the part of the priſoner, at a late hour perhaps, when your Lordſhip and the Jury are exhauſted with fatigue.

Lord Kenyon. I hope four hours more will not wear out either the ſtrength or ſpirits of the Jury.

Mr. Erſkine. We have been indulged with copies of the letters; conſequently your Lordſhip ſees that if we were to retire when the evidence was over, the time appropriated for reſt would be principally employed in looking over theſe papers, or how ſhall we be prepared to addreſs the Jury?

Lord Kenyon. I know both your abilities well enough to feel no doubt that you are prepared now to make your obſervations upon any evidence that is already given. We are all deſirous to ſit as long as we can; but neceſſity juſtifies that which it compels; the ſtrength of man is not adequate to this. Lord Mansfield, as little inclined to give way as any man, did give way at a certain hour in the caſe of Lord Pomfret.

One of the Jury. My Lord, we are men of buſineſs; we are early riſers. If we are to be kept here for four hours longer, our ſpirits may be exhauſted. I am not a young man. I wiſh to underſtand this matter perfectly right; it is a caſe of life and death: I may be wearied out, and perhaps by and by be aſleep. I beg pardon for making this obſervation; but I wiſh to take care of my own conſcience in every particular.

Mr. Serjeant Adair. I do not wiſh to preſs too much upon the ſtrength or attention either of the Jury or of the Court.

Mr. Juſtice Groſe. Let us go on with this witneſs, and after he has been examined we will think of it.

Mr. Garrow (to Mr. Cokayne.) Look at this paper (No. 27) By whom was that direction on the outſide cover—to Monſieur Chapeaurouge—written?

A. By

A By me.

Q. Was that written by Mr. Jackſon's direction?

A. It was.

Q. Take off that cover—Is there any thing written upon the next cover?

A. No, there is a croſs.

Q. Was that made by you?

A. No.

Q. Be ſo good as open the cover. By whom were the contents written?

A. This is written by me—"Remember me to Languelot and our friends."

Q. Was that written by Mr. Jackſon's deſire?

A. It was.

Q. Was the letter inſide that envelope written by Mr. Jackſon or you?

A. No.

Q. Do you know whoſe writing it is?

A. I do not.

Mr. Garrow (to Mr. Dejoncourt.) Did you intercept that letter in the ſame manner as you have already ſtated?

A. I did.

Mr. Garrow. I do not mean to trouble your Lordſhip to have this read, becauſe it is merely a duplicate of the laſt letter, but only to take the cover. Was it intercepted at the ſame time?

Mr. Dejoncourt. It was.

Mr. Garrow (to Mr. Cokayne.) Look at this paper. Did you direct that at the ſame time?

A. I did.

(*The direction read*)—"*To Meſſ. Chapeaurouge Merchant, Hamburgh.*"

Mr. Garrow. Did you and Mr. Jackſon lodge together at the ſame houſe in Dublin?

A. We did.

Q. Had you daily intercourſe with him?

A. Conſtantly.

Q. If he had any commercial tranſactions to negociate there from

from your intercourſe with him, is it probable you might have known it?

A. I ſhould ſuppoſe ſo.

Q. Was it poſſible he ſhould have any commercial tranſactions of any extent to negociate, without your knowing it?

A. I ſhould think not.

Q. Had he any ſuch that you knew of?

A. I did not know of any. I think not.

Q. As far as came to your knowledge, had he any buſineſs that he tranſacted there, except with Hamilton Rowan, Mr. Tone, and the other perſons that you have named?

A. I know of no other buſineſs. He ſaw his wife there.

Q. How ſoon after theſe letters were intercepted was it that Mr. Jackſon was apprehended?

A. He was apprehended in the latter end of April, I think.

Q. He was afterwards tried for high treaſon, and you attended as a witneſs?

A. I did.

Q. And upon the day on which he was called up for judgment, he died at the bar?

A. I have heard ſo. I was not there.

Q. Before you came to England you had, I believe, directed ſome covers for Mr. Jackſon?

A. Yes.

Q. Had you done ſo before your interview with Mr. Pitt?

A. I had.

Q. Had you directed any to Chapeaurouge?

A. I am pretty ſure I had; the name ſtrikes me.

Mr. John Cokayne,

Croſs-examined by *Mr. Serjeant Adair.*

Q. Have you given, at any time, any written account of your own conduct in this tranſaction?

A. I have.

Q. Be ſo good as to tell me whether that ſignature *(ſhewing the witneſs a printed paper)* is or is not your hand-writing?

A. It is mine.

Q. Have

Q. Have you any recollection of the contents of this paper?

A. If you will pleaſe to let me read it, I can ſay.

Mr. Serjeant Adair. I have not the leaſt objection.

Mr. Cokayne. I could wiſh, if I am to be interrogated as to this paper, that it might be read. I cannot underſtand your meaning for aſking me the queſtion. Do you mean to aſk me merely whether this is my ſignature?—If you mean to aſk me abſtractedly to any particular part of this, I ſhall truſt that the whole may be read to the Court.

Mr. Serjeant Adair. You may do that afterwards. Is this a true account?

A. I certainly avow every part of it.

Mr. Serjeant Adair. I do not wiſh to entrap you.

Mr. Cokayne. I do not believe you do.

Mr. Attorney General. If it becomes neceſſary, you ſhall be called again.

Mr. Serjeant Adair. You have been aſked whether Mr. Jackſon had any commercial connexions in Ireland? I would aſk you whether you do not know that he wanted to eſtabliſh mercantile connexions in England?

A. He told me he did.

Q. You were intimate with Mr. Jackſon?

A. Very.

Q. You being the intimate friend of Mr. Jackſon, did you, before he left London, know the object of his journey to Ireland, which afterwards appeared upon his trial there?

A. I did not.

Q. Then notwithſtanding your intimacy with him in London, and your former intimacy, you did not, before he left London, know that purpoſe of his journey to Ireland for which he was afterwards tried and convicted?

A. I did not.

Mr. John Cokayne,

Re-examined by *Mr. Garrow.*

Q. Be ſo good as to ſtate to my Lord and the Jury what the nature of thoſe commercial tranſactions were which he wiſhed to

eſtabliſh in England—what the nature of the commodities were, and for the ſupply of whom.

A. After Mr. Jackſon had been in England ſome time, he aſked me, as his friend who was continually in the habit of being with him, to direct ſeveral letters for him, ſome of which are the names that have now been read; and he ſtated, as a pretext for aſking me ſo to do, that his debts were ſo heavy here, and which I knew, that if his hand-writing was known, he ſhould be locked up in a gaol for ever. Upon that principle I implicitly directed ſeveral letters for him, without the knowledge of the contents of any one letter that I directed for him in England, or ever aſking him the contents; for we were in too ſtrict a habit of friendſhip. One day, in converſation with Mr. Jackſon, he told me, that what he came to England for, was not likely to ſucceed, and that he had ſome thoughts of going to Ireland. He aſked me if I knew any merchants or mercantile people in this kingdom whom he could apply to, and obtain proviſions and other neceſſary things that he could ſupply the French with? He ſaid, he had an unlimited order for any quantity that could be got; that he ſhould have a very large commiſſion for obtaining it; that he would be enabled thereby to pay me what he owed me; that I ſhould have a very handſome commiſſion likewiſe out of it; that he would venture to ſay, a thouſand a year would be but a trifle, or not an equivalent to what I might get, if I could aſſiſt him in the providing theſe articles. He ſaid he knew I had ſuſtained very heavy loſſes in my profeſſion, and that he ſhould have an opportunity of taking me from the fatigues of buſineſs, and put me into an independent ſtate. I anſwered him, that my connexions in life had always been on the weſt ſide of Temple Bar; that I had made little or no mercantile connexions; that I knew no merchants, and that I could not aſſiſt him in any ſuch buſineſs. Thus, I think, ended the converſation; but it did not ſtrike my mind, that I had incautiouſly, and at the deſire of him as a friend, brought myſelf into a ſituation———

Q. You had before this, you ſaid, in the very great intimacy and friendſhip that ſubſiſted between you, addreſſed letters for him, without aſking or knowing their contents.

A. I had.

Q. After

Q. After this communication, you was going to tell us the impreſſion that was made upon your mind. Was it this that led you to make a communication to the Miniſter?

A. It was.

Q. If I did not miſunderſtand you, you was well acquainted with Mr. Jackſon's pecuniary circumſtances; he was much indebted to you, among others.

A. He was.

Q. Had he any funds of his own, by which to eſtabliſh any mercantile connexions in this Country?

A. Not that I know of.—If I am not at liberty to ſay what impreſſion it had upon my mind, may I go on to ſtate what I did in purſuance of that converſation?

Mr. Garrow. In ſhort, you communicated it to the Miniſter, and afterwards accompanied Mr. Jackſon to Ireland.

A. I communicated it to the Miniſter in the preſence of Mr. Eſtcourt, who went with me to the Miniſter.

Q. During the whole friendly intercourſe and correſpondence between you and Mr. Jackſon, did it ever happen that you correſponded with him under a feigned name, or received letters from him under a feigned name?

A. No, we were always together.

Mr. Serjeant Adair. You were never abſent from each other after he came to England?

A. Not for a day.

Mr. Garrow. You were intimate many years before?

A. Yes.

Mr. Attorney General. If your Lordſhip pleaſes, I will juſt call a witneſs to prove the hand-writing of Mr. Stone to a letter written in the name of Enots, to Popkins.

Mr. Attorney General, (to Mr. Dejoncourt.) Did you ſtop that letter (No. 28) in the poſt-office in Ireland?

A. I did.

Q. *(To Mr. Longrigge.)* Look at that firſt cover which is ſigned W. Enots. Whoſe hand-writing is that?

A. Mr. William Stone's.

[*No.* 28, *read.*]

" My dear Friend,

" I have received your different letters, but could not anſwer " them ſooner for want of a proper opportunity. All your " friends here are very glad to find you are ſafe arrived, after " your long and diſagreeable jaunt thro' Wales. They alſo " rejoice to hear that Mrs. Harris is likely to do well in her " buſineſs; they are ſenſible that the funds ſhe ſets up with " being but trifling, ſhe can't expect to do great matters in the " beginning, but they are ſo convinced of her induſtry and " cleverneſs, that they are willing to aſſiſt her as far as they are " able; they, therefore, will take the firſt opportunity that " offers to ſend her ſuch a fortment of millinery goods as will " enable her to ſet up a very handſome ſhop; in the mean time, " ſhe muſt make friends, and ſecure as many good cuſtomers as " ſhe can.—This was my advice to her when laſt I ſaw her, and " her friends requeſt that I ſhould here repeat it. The two " friends ſhe mentions have not reached this place yet; when " they do you may depend upon my ſhewing them all the " civility in my power: I ſhall take care to introduce them to " ſome very good company of this neighbourhood. As ſoon as " Mrs. Harris has prepared every thing for her new eſtabliſh- " ment in London, I think ſhe would do well to take a trip to " Dublin, and ſtrive to raiſe there the little money that's due " to her. Not one of the letters mentioned by her, as directed " from London to Mr. Horn, is come to hand; yet this mode " of conveyance muſt not be neglected; but let her at the ſame " time write to Mr. C—— or to me directly. Adieu.

" My dear friend, I wiſh you and that lady all poſſible hap- " pineſs.

" Yours, moſt affectionately,

" N. M.

" P. S. Should Mrs. Harris go to Dublin, I beg ſhe'll pre- " vail on my younger brother Robert to break off at length the " fooliſh partnerſhip he has formed with a fellow who is con- " ſtantly impoſing on him, and keeping all the profits to him- " ſelf.

" ſelf. Should my brother perſiſt in his obſtinacy, I ſhall have " nothing to ſay to him, but leave him to ſmart for his folly; " but if he follows my advice, I will become his partner, ſend " him goods, and ſupply him with whatever credit he wants to " carry on buſineſs on his own bottom."

Addreſſed, " *Mr. Johnſon, at Meſſrs. Lawrence and Co.*
" *Rutland Place, Thames Street, London.*"

The above letter was encloſed in a cover, in which is written:

" I rec[d]. the incloſed to-day. I have not heard ſince I laſt " wrote to you. I am

" Yours, truly,

" Ap[l]. 22[d], 1794. " W. ENOTS."

Addreſſed " *Mr. Thomas Popkins.*"

Incloſed in another cover,

Addreſſed " *John Cokayne, Eſq. Hyde's Coffee-houſe,*
" *Dame Street, Dublin.*"

Mr. Iſaac Dejoncourt,
Croſs-examined by *Mr. Serjeant Adair.*

Q. Did you open the cover, or who did you deliver it to when you ſtopped it?

A. I opened the cover.

Q. Did you find the letter, encloſed in the inſide, ſigned W. Enots, ſealed or open?

A. It was ſealed with a ſecond wafer; it appeared to have been ſealed with a red wafer firſt, and afterwards with a wafer of another colour.—The firſt cover was directed to John Cokayne, Eſq. Hyde's Coffee-houſe, Dame Street, Dublin: the ſecond cover was addreſſed to Thomas Popkins.

It being now near eleven o'clock at night, four officers were ſworn, in the uſual form, to attend the Jury, who ſlept at the Swan tavern, in Bridge Street, and the Court adjourned to to-morrow morning, nine o'clock.

COURT OF KING'S BENCH.

Friday, January the 29th, 1796.

PRESENT,

Lord KENYON, Chief Juſtice;
Mr. Juſtice ASHHURST;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE.

William Stone ſet to the bar.

Mr. Thomas Maclean called in again.

Mr. Law. Look at thoſe papers; were they found in the cuſtody of William Stone at the time his papers were ſeized?

A. I found this letter (No. 37) and theſe three papers, No. 38, at Mr. Stone's houſe at Old Ford.

[*No.* 37, *read.*]

" Downing-ſtreet, April 16, 1793.

" Sir,

" I have received your letter of yeſterday, and return en-
" cloſed the letters and extracts which you ſent me on the 8th.
" I am obliged to you for having communicated ſuch public
" information as you thought might be uſeful, and have nothing
" further to add on the ſubject of theſe papers.

" I am, Sir,

" Your obedient ſervant,

" W. PITT."

" *W. Stone, Eſq.*"

Mr. Attorney General. I ſhall proceed to call a perſon to ſhew how theſe extracts were made; then I ſhall produce the original letters found in the poſſeſſion of Mr. Stone, for the purpoſe

purpoſe of comparing them with the extracts, to ſhew what information the extracts gave, and what information the letters gave.

Mr. Thomas Hill (ſworn)

Examined by *Mr. Attorney General.*

Q. Do you know whoſe hand-writing theſe extracts are?

A. They are mine.

Q. By whoſe order did you make them?

A. Mr. Stone's.

Q. For what purpoſe did you make them?

A. I cannot tell.

Q. Did you make theſe extracts from any, and what original papers?

A. From manuſcripts Mr. Stone gave me.

Q. Manuſcript extracts?

A. Yes.

Lord Kenyon. You took a copy of them?

A. Yes.

Mr. Attorney General. Look at the top, you will ſee the word "extracts"—whoſe hand-writing is that?

A. It appears to me to be Mr. William Stone's.

Mr. Attorney General. I now propoſe to read theſe extracts. I beg your Lordſhips particular attention to thoſe paſſages in which the words "the French" occur. I will produce preſently the original letters found upon Mr. Stone, and you will then ſee that wherever the words the French are put in the extract, they are ſubſtituted for the word "*we*" in the original. In the extract of the letter of the 24th of October, it is "my "letter was put on board a boat that was then going to Eng-"land." In the original, "my letter was put with one I ſent "to Lord Lauderdale, who conveyed it to Mr. Fox at New-"market, on board a boat that was then going to England."

[*No.* 38, *read.*]

"Extracts." "Paris, 30th April, 1792.

"Whatever may be the reſult of our determinations, we have "one thing very much on our ſide, and that is, that the perſon

" I am moſt intimate with in France is Mr. Francois, whom " you will recollect having ſeen at my houſe, and who is one " of the moſt enlightened members of the National Aſſembly; " he is the preſident of the Committee of Commerce; and has " promiſed me that whatever plan I have he will procure me " every advantage and protection. I dined yeſterday with the " Mayor, who has alſo promiſed to give every ſort of informa- " tion that lies within his knowledge and province. We ſhall " have no competitors; and Engliſhmen have been here profit- " ing by the incapacity of the French."

" Auguſt 27th, 1792.

" The Aſſembly did a very ſilly and contemptible thing " yeſterday, in admitting Mr. Wilberforce, David Williams, " and Clarkſon to the rank of Citizenſhip. They are wretch- " edly informed reſpecting characters in England; and from this " ſample they will get themſelves laughed at by you: but theſe " men are accuſtomed to act with much precipitation, and alſo " with much preſumption. One of them dined with me yeſ- " terday, and I repreſented to him one of their choice; reject- " ing with indignation from his connections all connection with " them: another as a man of no character but a bad one, in a " very low rank, either as to political or literary fame, and " avowed by no one: and another as ſcarcely known in politics " at all, and what he had were in a line different from their " own."

" Paris, Auguſt 30th, 1792.

" I wrote to you on the 16th. I know not by what accident " my letter could not have reached you, unleſs the inſpectors " at the poſt-office here found that it contained matter not " quite ſo proper to be publicly known at that time, though it " has ſince been publiſhed by order of the aſſembly; my in- " formant was one of the Executive Council; I am ſorry for " nothing but that I fear to have mentioned to you his name."

" Paris, Sept. 27th, 1792.

" I am juſt returned from Orleans to Paris, making the ſa-

" crifice

" crifice of a little abſence to fear and apprehenſion. We have " been latterly at the chateau of Monſ. Laborde the banker. " As every cauſe of fear is now removed, I ſhall immediately " proceed with the purchaſe of the manufactory, at leaſt to the " accompliſhment of the buſineſs in ſome ſort or other."

" 1 o'clock, Hall of the Convention, 2d Octor.

" This moment the news is arrived that the Pruſſians have " raiſed their camp, and are retiring; they have left 5000 ſick " in their hoſpitals, and have loſt between 2 and 300 men. " The French army is in purſuit, and Cuſtine is before them " with 40,000, ſo that there is no poſſibility they can eſcape."

" Paris, October 24th, 1792.

" The letter I ſent you of the retreat of the Pruſſians was, I " am certain, the only information of the event to be met with " in England, for the news arrived at the Aſſembly at ½ paſt " 12: I heard it from a Deputy: a minute after I ran into the " box, and ſpoke with one of the Secretaries; and at one the " poſt went off to Calais; and my letter was put on board a " boat that was then going to England. In any future affairs " of this ſort, you may depend on the authenticity of the intel- " ligence, for I have acceſs to the Secretary's table, and the " diſpatches into the provinces thro' which you receive my " letters: ſurely it is worthy the attention of Government to " have ſome one here to give them information; but it has been " ſo deceived that I do not wonder at its ignorance in this " reſpect." " In my letter to the Morning Chronicle I have " unfortunately betrayed a ſecret which I ought to have con- " cealed; at Paris it is univerſally believed that the French are " purſuing the Pruſſians, making priſoners, and killing them at " every ſtep—No ſuch thing: they are waiting on them with " as much ceremony as if they were their allies, taking leave " after aſſiſting them in a victory; and not a ſingle cannon has " been fired ſince the beginning of the retreat. I mention " alſo certain letters, which neither the Commiſſioners nor " the Generals chuſe to lay before the Aſſembly. I had,

" how-

" however, their leave to mention the affair in England, and if " Perry prints my letter it will be only a little premature, for " they cannot be long concealed. We ſtand yet on a pinnacle " with reſpect to French opinion—Why do we not profit by " it? The Marſellois are come to Paris, as a guard to the " Convention, to chaſtiſe the inſolence of the Pariſians, which " is become leſs neceſſary ſince the accuſation of that wretch " Marat, whoſe wickedneſs is as incomprehenſible as it is great, " for it is impoſſible to know what motives guide him, as his " character in other reſpects is far from being a bad one. I ran " ſome riſque from the manner in which I ſpoke of them at the " time they were in power. I left Paris for a fortnight, and " changed my dwelling on my return; but now there is not the " ſhadow of an apprehenſion, for ſome parts of thoſe letters are " tranſlated into French, and publiſhed in their Journals."

" Paris, Nov. 26th, 1792.

" Here's Froſt & ——— come over with an Addreſs; I have " taken care to inform the leaders with the leading features of " theſe gentlemen. I was appointed to preſent one myſelf to- " morrow, but I ſhall decline it from a variety of motives. I " have prevented Fox and Sheridan's citizenſhip, and my own, " and I hope every one's elſe at this time."

" Paris, Nov. 27th, 1792.

" I believe that I mentioned to you that we had a dinner on " Sunday ſe'ennight to celebrate the French victories, and that " an addreſs was to be preſented to the Aſſembly:—that is to " be done this morning: I was choſen preſident and orator, but " I have declined both."

" Paris, March 7th, 1793.

" I have rec^d. a letter from Mr. Wilberforce, in which he " tells me he has ſhewn my letters to his Majeſty's Miniſters, " —and he refers me to Mr. Thornton's letter, which I have " not yet received; nor yours, ſent under cover through the " Preſident of the Convention."

" I am glad to hear that ſomething like pacific diſpoſitions

" yet

" yet appear; it is not yet too late to remedy thoſe mighty " evils which are burſting forth on every ſide; there would " be little difficulty here, if any fair and proper terms could " be offered. You ſee the territory of France is increaſing " every day; this is an evil of ſome magnitude; and the " more it increaſes, the greater will be the difficulty to come to " accommodation.

" Sabodiniere is arrived here, driven away by the alien bill; " he tells me the Engliſh are to be recalled, or their property " confiſcated; of this I have no apprehenſion: but if any law " of great ſeverity ſhould be enacted, I ſhall ſo far obey it as to " retire into Switzerland to Lord Robert Fitzgerald; but I " ſhall not abandon the buſineſs we have undertaken, which I " poſtpone 'till I in ſome way or other hear from you."

" March 18th.

" Of the ſpirit of this people you can have little idea at a " diſtance; you may judge of their facility of raiſing men by " the ſpirit of Paris, its quota is 12,800. The ſections, I am " told, have already enrolled 40,000, and thoſe not the loweſt " of the people. A great force will be ſent to the Cape of " Good Hope, which will proceed to the Eaſt Indies. At home " a deſcent will be made on England, with a force that will be " almoſt irreſiſtable, but in what manner I have not yet learnt: " I was applied to by General Dillon on the ſubject, but I de- " clined any interference. You muſt be careful not to mention " theſe circumſtances, eſpecially as coming from me."

Mr. Attorney General. Your Lordſhip obſerves, that that letter of Mr. Pitt's which has been read refers to extracts and a letter—Mr. Pitt is ſubpœna'd by Mr. Stone, to produce that letter to which Mr. Pitt refers. We proceed now to read the letters out of which theſe extracts are taken.

Mr. Garrow. Your Lordſhip will obſerve, that, of the parts which are extracted, all that were ſent to Mr. Pitt are marked within brackets.

Mr. Serjeant Adair. The Attorney General cannot make any thing evidence, I ſubmit, from the mere circumſtance of our having ſubpœna'd any witneſs; the Court at preſent have no cognizance of that at all.

Lord Kenyon. At preſent, I hope, we have received nothing but what is evidence; theſe extracts were proved, before they were read, by Thomas Hill, to have been copied by him, by the direction of the priſoner at the bar; and that the word extract, which ſtands at the top of each paper, is of the hand-writing of the priſoner.

Mr. Serjeant Adair. But the Attorney General ſtates to the Court, as an auxiliary fact, that we have ſubpœna'd ſome gentleman, to prove ſome letter or other.

Lard Kenyon. He ſaid ſo, but he is producing no evidence in conſequence of that aſſertion.—If there is any thing improper it is fit to interrupt, but I have not ſeen any thing of that ſort.

Mr. Serjeant Adair. If it had not occurred to me to be ſo, I ſhould not have ſpoken.

Lord Kenyon. What is the objection?

Mr. Serjeant Adair. It is ſtated to the Court, in this ſtage of the buſineſs, that we have ſubpœna'd ſome gentleman, to prove ſome letter or other; whether we have or not is a fact totally immaterial to the Court.

Lord Kenyon. It explains a fact: it is ſaid theſe extracts were ſent with ſome letter—the Attorney General has produced the extracts, and not the letter; he is accounting for not producing the letter.

Mr. Serjeant Adair. The defendant having ſubpœna'd Mr. Pitt cannot account for their not producing that letter.

Lord Kenyon. If you pleaſe you will argue that point, and ſhew he ought to produce it, and then we will decide that.

Mr. Attorney General (to Mr. Maclean.) Did you find that letter (*No.* 39) at Mr. Stone's, at Old Ford?

A. I did.

Lord Kenyon. It will facilitate our taking notes, if there are any letters which Maclean is to prove that he found at Old Ford, if he was now to aſcertain them.

Mr.

Mr. Attorney General. I am about proving the letters of the 24th of October and the 27th of November, from which theſe extracts were made; the obſervations upon the others are not very important.

Mr. Maclean. I found theſe letters (*No.* 39 *and No.* 40) in the poſſeſſion of Mr. Stone, at Old Ford.

Mr. Attorney General. Where the extract differs from the letter, the original in that part of the letter is altered with a pencil.—There are many paſſages which are taken no notice of in the extracts.

[*No.* 39, *read.*]

" Hotel de Grange Butteliere,
" 24th Oct. 1792, 1 Y. of F. R.

" Dear Brother,

" I incloſe you the aſſignment witneſſed by Lord Lauderdale, " and Dr. Moore, with a note to Mr. W. M. and an order " to Mr. Cooper, which I ſhould have ſent earlier; that is a " day or two ſince, for I have not been long returned, could I " have found two Engliſhmen together.—I am very glad that " the ſale proved ſo advantageous, and am much obliged to you, " for the care you have taken, and are about to take with the " books and pictures.—The linen with my papers, you are ſo " kind as to take to Old Ford alſo, I ſhall ſend for none of all " this, till I have arranged all the affairs that concern the " manufactory, which are now in train; when I have ſome " thoughts of buying one of thoſe Emigrants Houſes on the ſide " of the City, where our buſineſs will be carried on, as there is no " doubt of theſe Houſes being ſold very cheap, and as National " property, not to be paid for under 12 years. But this is an " after conſideration, as all obſtacles are now removed. No fear " of an enemy to apprehend; and the camp which was to extend " on this ſide of Paris to Charenton, on the heights of which, " which is preciſely our place, batteries were to be erected, and this " is now all over, it having been determined a few days ago that " all labours ſhould ceaſe. I ſhall proceed immediately to the exe- " cution of our project; but before I finally decide, I wiſh to

" have all poſſible information from you, and Mr. Oliver; if in " the ſpace of theſe three months any thing has ariſen which can " give further light on the ſubject; if Cruikſhank is there; and " what is meant to be done in our further arrangement concern- " ing him. I have been cautious reſpecting the importing of " Sal. Amm. from England, becauſe I would not awaken the " ſlighteſt ſuſpicions, and have not therefore offered even the " Sal. Amm. we have here to ſale; whatever, therefore, con- " cerns the buſineſs, I can receive from you before any final " ſettlement takes place, as it demands at leaſt 15 days; and I " wiſh on this point you would give me any hints that you think " neceſſary. I have engaged a very honeſt man as a lawyer in " the buſineſs, for the expence is but trifling, and there is a " great deal of knavery on the other ſide.

" You will have received from Verdun an immenſe packet " of information, which you will have diſtributed according to " the addreſſes; that to Perry contains an epitome of the cam- " paign, and our preſent ſituation. You will have received alſo " a letter addreſſed to Miſs Williams, which was, by the blunder " of Mr. Roſe, ſent to you alſo; which you may open if you " pleaſe, as it contains, ſo far as I recollect, only other views " of the war. I ſhall continue to ſend to you Perry's letters, if " I have time in future to write to him; but it is neceſſary that " he ſhould have them in the day, as a day of earlier intelligence " is to him of ſome importance. The letter I ſent you of the " retreat of the Pruſſians was, I am certain, the only informa- " tion of the event to be met with in London, for the news " arrived at the Aſſembly at half paſt 12; I heard it [in the " ſtreet]* from a Deputy; a minute after I ran into the box, " [which I have there] and ſpoke with one of the Secretaries, " and at one the poſt went off to Calais, and my letter was put " [with one I ſent to Lord Lauderdale, who conveyed it to " Fox at Newmarket] on board a boat that was then going to " England. In any future affairs of this ſort you may depend

* *The words incloſed with brackets were ſtruck out with a pencil.*

" on

« on the authenticity of the intelligence, for I have the com-
« mand of the Secretaries table, and the diſpatches into the
« provinces of the Convention thro' which you receive my
« letters. Surely it is worthy the attention of Government to
« have ſome one here to give them information; but it has been
« ſo deceived that I do not wonder at its folly* in this reſpect;
« [I believe it will be more puzzled what part it ſhall take in
« future.]

« In my letter to Perry I have unfortunately betrayed a ſecret
« which I ought to have concealed. At Paris it is univerſally
« believed that we† are purſuing the Pruſſians, making priſoners
« and killing them at every ſtep we‡ take—No ſuch thing:
« we‡ are waiting on them with as much ceremony as if
« they were our‖ allies taking leave, after aſſiſting us§ in a
« victory, and not a ſingle cannon has been fired ſince the be-
« ginning of the retreat. I will not aſſert it as a fact, *but I*
« *believe it moſt firmly, that the only condition accepted by Du-*
« *mourier was, that the Royal Family ſhould not be put to death;*
« *whilſt on our part it was inſiſted, that Pruſſia ſhould immedi-*
« *ately on its leaving the territory of France abandon the Houſe*
« *of Auſtria, and even form an alliance with us, or ſubmit the*
« *army in toto to be priſoners to the arms of the Republic.* If
« this be not the preſent ſtate of affairs, I never was more de-
« ceived; and all the converſations I had with the Generals,
« with the Commiſſioners of the Convention, &c. &c. lead me to
« this belief: nay, more, if this be not the caſe, the Generals have
« betrayed the public cauſe; and I fear I have betrayed the Generals,
« for I mention certain letters to Perry which neither the Com-
« miſſioners nor the Generals [dare or] chuſe to lay before the
« Aſſembly: I had, however, their leave to mention the affair
« in England; and if Perry prints my letter it will be only a

* Folly *ſtruck out*, ignorance *written over it with a pencil.*
† We *ſtruck out*, the French *written over it.*
‡ We *ſtruck out*, they *written over it.*
‖ Our *ſtruck out*, their *written over it.*
§ Us *ſtruck out*, them *written over it.*

« little

" little premature, for it cannot be long concealed. Before I " close this part of my letter, I would add in confirmation to " my opinion, *that Prussia will be the ally of France: the news* " *we have received, that the Empress of Russia is in concert* " *with the Emperor to take Silesia—so that the King of Prussia* " *will be the double dupe. You see also, that, if this be true,* " *we, by our treaty, are drawn in to his support: what then* " *ought to be our conduct in the present instance?—Instead of* " *becoming thro' Prussia, by such an obliquity, the ally of France,* " *why not be a principal, and in the present case a generous* " *one.* We stand yet on a pinnacle with respect to French " opinion—why do we not profit of it? *but, if we do, is there* " *not danger that both England and Prussia become Republics* " *also?*

" I was a whole week in returning home, which I did exactly " through the very march of the enemy, and found the Country in " such a state of inconvenience, bad roads, broken bridges, &c. " rather than devastation, that we could not move sometimes " more than a post, which is 5 miles English, in three hours " and half; but it was impossible to miss our way, for had we " been blind our sense of smelling would have directed us, for " the carcases of horses or men presented themselves literally at " every step we took; in one day's journey, which did not con- " sist of but between 20 and 30 miles, we counted, of horses " only, at least 2000; and the arms and legs of men obtruded " themselves whenever we took the trouble of looking into the " ditches, where they lay but half-buried. There is no com- " plaint of the Prussians any where, but the Hessians, the Aus- " trians, and the Emigrants, were every where robbers; the last " added cruelty to their depredations, and they now suffer, not " only in their execution here, for there were six young gentle- " men beheaded yesterday in Paris, but all the miseries that hu- " man beings can suffer where they are assembled, beyond the " frontiers. Another law was passed against them yester- " day, viz. that those who are, and have been Emigrants, with- " out being in arms, shall be banished France for ever, and " their estates confiscated: this has the appearance of harshness,

" but

" but it is well known, that thoſe who have not taken arms have
" been of the two the moſt dangerous; and the nation is
" mounted ſo high at preſent that ſhe fears nothing. *We talk*
" *of an expedition into Spain; and as we have not found it*
" *neceſſary to fire one cannon in taking Savoy, Nice, the ſea-coaſt*
" *country of the King of Sardinia, and probably by this time the*
" *iſland of Sardinia itſelf, with Genoa, by Monteſquieu's*
" *army, we ſhall be at full liberty to proceed to Rome, and offer*
" *liberty to the Italians*; for there is no miſchief of which
" theſe Marſeillois are not capable; and their preſent whim is,
" to bring the Pope and the Cardinals priſoners to Paris.—It
" was the Marſeillois who executed the Revolution of the 10th
" Auguſt; the Marſeillois who have chiefly at their own ex-
" pence made this expedition againſt Nice; it is theſe gentlemen
" who are going in ſearch of the Pope, whilſt part of them, [the
" Marſeillois,*] are come to Paris as a guard to the Conven-
" tion, to chaſtiſe the inſolence of the Pariſians, which is be-
" come leſs neceſſary ſince the decree of accuſation is paſſed
" againſt that wretch Marat, whoſe wickedneſs is as incompre-
" henſible as it is great, for it is impoſſible to know what mo-
" tives guide him, as his character in other reſpects is far from
" being a bad one. I run ſome little riſk from the manner in
" which I ſpoke of them at the time they were in power, and
" ſo did many others, but it was neceſſary at that time for thoſe
" who did not wiſh to ſee the public affairs go to ruin to ſtand
" forth and oppoſe their progreſs. I left Paris for a fortnight,
" and changed my dwelling on my return, but now there is not
" the ſhadow of an apprehenſion, for ſome parts of thoſe letters,
" if not the whole, are tranſlated into French, and publiſhed
" in their Journals. If you have thoſe papers by you pray
" keep them, and ſee how my predictions will turn out. If
" you ſhould chance to ſee Dr. Prieſtly, tell him I have rece^d.
" his letter, which I will anſwer after ſome little conſideration;
" it is neither Mr. Francois, nor even Rabaut, that ſhould be
" the reducteurs of ſuch a plan, for reaſons I will inform the
" Dr. I ſhould recommend ſuch a man as La Source, who is a

* *Inſerted in pencil.*

" Proteſtant Miniſter, and not the worſe for being an Uni-
" tarian; but of this more at another time. We join in our
" love and remembrances, &c.

" Yours, affectionately,

" I. H. STONE."

Mr. Attorney General. Mr. Dundas, who your Lordſhip knows is very fully engaged with public buſineſs, is here, and is, on that account, very deſirous, if he is to be examined, that he may be examined now.—The only queſtion I have to put to him is, whether any applications were made to him by Mr. Stone, or any perſon on his account, in conſequence of the advice your Lordſhip heard yeſterday, was given him.

Mr. Serjeant Adair. There certainly was not.—You need not trouble Mr. Dundas to prove that.

[*No.* 40, *read.*]

" Paris, 27th Nov. 1792.

" Dear Brother,

" I believe that I mentioned to you, that on Sunday ſennight,
" we had a dinner to celebrate the French victories, &c.; and
" that an addreſs was to be preſented to the Aſſembly—that is
" to be done this morning—I was choſen preſident, orator, &c.
" but I have declined both, for the reaſon that you hint at, and
" for others alſo. Yeſterday I dined at Sir Robert Smith's, with
" Kerſaint, a leading man in the Aſſembly—he purpoſes, after
" the addreſs has been preſented, to make comments on the
" fraternity we offer, and to move for ſome more ſubſtantial
" mark of the wiſhes of the French, towards a more friendly
" intercourſe, by offering to join in the civilization of Africa,
" in the mode which we have already determined on in the ſet-
" tlement of Sierra Leone.—He obſerves, that as this eſtabliſh-
" ment is an act of the people, and not of government—as it is
" undertaken from motives of humanity, and of benefit to the
" human race, no jealouſies can ariſe, and no ſuſpicions of en-
" croachment, ſince the French would adopt your plan, ſuffer
" it to be conducted under your auſpices—ſharing equally in the

" expence

" expence, and, if neceſſary, providing more force at a much " cheaper rate than it is poſſible to afford from England. He " had adviſed with me on the ſubject; but I am ſo totally igno- " rant of the ſituation of the colony, and of the diſpoſition of " the proprietors, that I could give no anſwer to his obſervations " —it appears to me, on the whole, an advantageous offer for " the ſociety, and may tend to further its views; ſo far as its " views are confined to the abolition of the ſlave trade, and the " civilization of the inhabitants. If it be a good that this trade " be aboliſhed, and that Africa be civilized, the power that " will be offered, if the Aſſembly concede, may be immenſe;— " and, probably, in proportion to the extent of the civilization " may be the extent of the profits, regarding the affair in a " view more near and intereſting to our mercantile feelings.

" I give you this earlieſt information that you may, by what- " ever means you think proper, adviſe with any perſon, Mr. " Thornton, or ſome other more converſant on the ſubject, " than he probably is, what the effect of ſuch a junction would " be; and if it ſhould be found highly advantageous to the ſoci- " ety, ſuppoſing that the French reſolve on it, would it not be " prudent to ſpeculate on a few ſhares, ſince they may ariſe to a " conſiderable premium? Kerſaint informs me that we have " ſuffered ſome diſaſters there.—I have heard of none; but if " ſuch ſhould be the caſe, ſhares may be low, I will join with " you in the profit or the loſs, and ſo far as information can give " any advantage, I can ſupply it from hence better than any " other, as if ſuch a junction or ſcheme takes place, I ſhould " be more in the ſecret than any one elſe. It is too much yet " in embrio to come to any determination, but you may prepare, " by previous information, to take your advantages, and I will " be obliged to you to give me immediately, whatever informa- " tion you can from the office of the ſociety reſpecting its " affairs; and if Mr. Thornton ſhould think well of Kerſaint's " propoſition, he will be able to order you all that ſhall be " neceſſary on the ſubject; if I take ſome trouble in this buſi- " neſs it may pay well, and not hinder the other.

" I will write you to-morrow, if Kerſaint makes his motion, " and what ſucceſs it has—if he does not, and if ſuch a junc- " tion ſhould be thought ſerviceable, by giving him a few do- " cuments, he will be ready at any time, as he has had the " project for ſome time in his head. I would not wiſh you, " therefore, to delay a poſt if you can help it—I have men- " tioned, that as the eſtabliſhment is no act of government, but " of a Society of the people only, no umbrage can be taken, " that another ſociety in France, ſhould on ſimilar motives of " humanity and policy, join in the undertaking. The difference " probably would be, that the ſociety here would receive the moſt " effective ſupport from the executive power, to carry any plan " of humanity into execution—what probably we could not " procure from the Engliſh Government, unleſs at a very heavy " expence.

" We are much in the ſame ſtate of ſuſpenſe and anxiety " here, reſpecting the intentions of the Engliſh, and what is " going on there, as you repreſent yourſelves to have been, " reſpecting Dumourier, of whoſe progreſs through Bruſſels " towards Liege, of which he is now in poſſeſſion, you are by " this time informed. Neither Auſtrians or Pruſſians can ſtand " againſt us; and it is impoſſible to know when we ſhall ſay, " Let us go no further. *Our anxiety ariſes about Holland—we* " *find Auckland's letter very ſilly, and ſuch as no Dutchman can* " *help reſenting, unleſs he be a very ſlave—though it is deter-* " *mined to open the Scheld, if the Brabanters wiſh it—yet it* " *is determined to keep clear of any interference in the domeſtic* " *affairs of Holland; and though the French have declared that* " *any people, wiſhing to throw off the yoke of ſlavery, ſhall find* " *in them allies and aſſiſtants—no ſection of that people, either* " *in towns or diſtricts, can be paid any attention to; this, Ker-* " *ſaint tells me, was reſolved on in the diplomatic committee yeſ-* " *terday, and is, therefore, not yet made public, and the occaſion* " *of it was, becauſe Maeſtricht and Wych, two fortified towns,* " *remote from Holland, but belonging to it, with a territory* " *adjacent, have ſent their wiſhes of affiliation with the pro-*

" *vinces*

" *vinces already conquered or releaſed, ſo that we ſhall avoid* " *giving any offence, if poſſible, to England; and though it is* " *likely that an inſurrection will ſoon take place in Holland, as* " *there are no Pruſſians now to prevent, they will be able to* " *effect all they wiſh, without any of our aſſiſtance. This is* " *the time for them indeed to ſtrike the blow.*

" I hope, that by this time you have ſettled ſomething finally " with Oliver, though he adviſes me not to haſten the purchaſe, " as little can be done till ſpring. I mentioned to you that I " had written to Dr. C. about Dr. H. of courſe you will " adviſe together.

" I have now taken a part of a houſe which I muſt furniſh—I " will be obliged to you to ſend over immediately all my linen, " by the waggon which goes from Piccadilly; and will thank " you to let me know, or deſire Mary to write, what other " things I have that can be ſent—ſuch as plate, china, &c. Part " of the furniture in the houſe I take at an appraiſement. My " books, part, at leaſt, can come by a Rouen trader; the pic- " tures muſt remain with you. I will ſend to London, and buy " a bill for as much as I ſhall want, as it can be got there at " leaſt 5 per cent. cheaper than here, and without any com- " miſſion. If in the courſe of buſineſs any heavy goods, ſuch " as iron, &c. lead, &c. are ſent from London, ſpecific agree- " ments muſt be made for landing them at Paris, for Miſs Wil- " liams has paid near 25*l.* for two ton of goods, or, I believe, " not above one ton, and this for want of taking ſufficient " caution in London. I paid alſo half the value of the Sal. " Ammon. for freight and duty, indeed, which I have not yet " diſpoſed of; and I mention this now, leſt it may eſcape me " when it would be neceſſary to take the caution.

" We have no news of any importance. *The Aſſembly de-* " *creed, yeſterday, that Savoy ſhould form the 84th department,* " *under the name of Mount Blanc; and it is ſuppoſed that the* " *fleet, or army rather, is by this time at Rome; Naples, and* " *Sicily fall of courſe—the greateſt conſternation prevails* " *throughout Germany, though the general revolution that was* " *expected will not yet take place.*

 " I ſhall

" I ſhall write in continuation reſpecting Sierra Leone, to-
" morrow, if any thing occurs.

" Yours moſt affect^y.

" I. H. STONE.

" *Mr. Stone,*

" *Rutland Place, Thames Street.*"

Mr. Attorney General. The extract of this letter is extremely ſhort, as given in evidence, and it is an extract of part of the firſt ſentence.

Your Lordſhip will recollect that in the courſe of yeſterday I intimated that there might be reaſons which made it difficult for me to produce a letter on the part of the proſecution. I have no difficulty in ſaying that that letter was underſtood to be written in confidence, in conſequence of which it could not be brought forward, unleſs that confidence was withdrawn; I am now enabled to offer to your Lordſhip the letter of Mr. Stone the priſoner, which is dated the 8th of April 1793, it is addreſſed to Mr. Pitt, and your Lordſhip will find from it I think, that the extracts are extracts of letters of which the originals were not produced—your Lordſhip will find from the introduction of it, that it is obvious that Mr. Pitt had expreſſed himſelf not ſatisfied with the general information which was given; he then enters into ſomewhat more of particular information, more expreſsly with reſpect to a propoſition that had been communicated by his brother when in England, as to a deſcent near the metropolis, and a deſcent in the North, with a view to deſtroy the collieries; and then he expreſsly undertakes, that if by any means he has any further information, he will moſt aſſuredly immediately communicate it.

Mr. Serjeant Adair. We releaſe Mr. Pitt from that confidence.

Mr. Thomas Hill (called).

Mr. Attorney General. Look at that letter, (No. 35.)

A. This appears to be Mr. William Stone's hand writing.

[*No.*

[*No.* 35, *read.*]

Sir,

" Since I had the honor of waiting on you, reflecting on " the obſervation you made of my brother's information being " very general, it has occurred to me to be proper to relate a " converſation I had with him when he was in England, on the " buſineſs of the Sierra Leone Colony, and what followed in " conſequence. He then ſpoke of different plans which he had " heard hinted at, in caſe a rupture with this Country ſhould take " place, and the manner in which they purpoſed to effect them, " but as there were then hopes, that no ſuch event would happen, " no further notice was taken of it, otherwiſe, than that he " ſhould certainly inform me from time to time of what came to " his knowledge.

" Soon after his return, the probability of hoſtilities became " more apparent; and he then wrote, that he could not by the " poſt write more particularly than, that it was highly probable " what he had told me would be attempted. I immediately " communicated this letter to one of the Bank Directors, and " alſo informed him what thoſe plans were; I alſo gave the in- " formation to a gentleman whom I ſuppoſed to be in habits of " communication with Adminiſtration, and gave him the letter " with no other reſtriction, than that he was to make uſe of it " confidentially: however, on receiving the information again " in his letter of the 18th ult. I thought it incumbent on me to " communicate it immediately myſelf.

" One of theſe plans was, to attempt a deſcent on this " Country, at the ſame time, in two different places, the one as " near to the metropolis as poſſible, making that, the ſole object; " and the other, in the North, with a view to deſtroy the col- " lieries, conſidering them as a moſt important branch of trade, " and as the greateſt nurſery for ſeamen. As thoſe were then " their ideas, 'tis probable the ſame may now engage them, if " the plan is perſiſted in.

" If by any means I have further information, I ſhall moſt aſ- " ſuredly immediately communicate it; I have Sir, independent

" of other conſiderations, too great a ſtake in the commerce of
" this Country, to be indifferent as to its welfare—(I may pre-
" ſume the giving employ to, ſeldom leſs than ten thouſand tons
" of ſhipping, and contributing annually fifty thouſand pounds,
" to the cuſtoms, in one branch of trade, and that the produce of
" this Country, (coals) will entitle me to ſay thus much), and
" certainly ſhould not for a moment withhold any circumſtance
" I thought eſſential.

" As you Sir, expreſſed your readineſs of attending to any
" information which might tend more effectually to remove the
" prejudice which ſeemed to obtain in your mind, on my brother's
" conduct in Paris; I have taken leave to encloſe to you ſome
" of his letters, which will ſhew the real cauſe of his reſiding
" there; and alſo extracts from ſome of his other letters, which
" will I truſt evince the truth of my aſſertion: that that conduct
" had been by no means inimical to the intereſts of this Country,
" but very much the reverſe, and perhaps I might urge ſtrongly,
" the circumſtance of his undertaking the matter of the Sierra
" Leone Colony as an inſtance, he having engaged in it, in the
" hope, that ſuch an intercourſe of good offices, might lay the
" foundation of more important ones: and this at his own ex-
" pence, without any, the moſt diſtant idea of remuneration;
" by the extracts you will, Sir, perceive the means he had of in-
" formation, as alſo the uſe he made of it; and his letters on the
" French nation, which appeared in the Engliſh papers, would
" ſufficiently evince the freedom with which he ſpoke of their
" proceedings, to this he alludes.

" At this time, I cannot but feel anxious for his ſituation, on
" account of the bill now before the houſe—as all communica-
" tion is ſtopped, it is very poſſible he may offend againſt this
" Bill, without any knowledge of the offence, or its conſe-
" quences. He was, when I laſt heard from him, about con-
" cluding the purchaſe of the premiſes for the manufactory, which
" has ſo long engaged him, and he may have to complete it,
" after the act takes place, unleſs the communication is again
" opened, ſo as that the knowledge of it may prevent him.

" If, Sir, any further explanation is neceſſary, or if you are
" deſirous

" deſirous of my waiting on you again, I will attend you at any " time you may pleaſe to appoint.

" I have the honor to be,

" Sir, your moſt humble ſervant,

" W. STONE.

" *Rutland Place, Thames Street,*

" *Monday 8th April*, 1793."

" P. S. As the letters may be of importance in the buſineſs, " I would requeſt to have them returned as ſoon as convenient, " and would beg to repeat my wiſh of their contents and the " extracts not tranſpiring."

Addreſſed under cover to Mr. Pitt.

Mr. Attorney General. It was in conſequence of the poſt-ſcript that I could not produce that letter, till theſe gentlemen withdrew that confidence—here is a letter of April the 15th 1793, which was the day before Mr. Pitt's letter of the 16th; which I think it juſtice to Mr. Stone to read, becauſe it contains a repetition of that offer, contained in the cloſe of the laſt letter.

Q. (To Mr. Thomas Hill) Look at that letter? (No. 36.)

A. I believe it to be Mr. Stone's hand-writing.

[*No.* 36, *read.*]

" Sir,

" I had the honour of addreſſing you on the 8th inſt. and " tranſmitting ſome letters and extracts; I have now taken leave " to ſend for thoſe letters, if they have been peruſed, and beg to " know if I may expect any anſwer, or if it is your deſire that " I ſhould wait on you, to give any explanation to what I have " communicated.

" I have the honour to be,

" Sir, your moſt obedient ſervant,

" W. STONE.

" *Rutland Place, Thames Street,*

" *April* 15*th*, 1793."

Addreſſed under cover to Mr. Pitt.

Mr.

Mr. Attorney General. The letter of the 16th of April, before read, was an anſwer to this letter.

Oliver Carlton, Eſq. (called again)

Examined by *Mr. Law.*

Q. Pleaſe to look at theſe papers, (No. 24, No. 25, No. 30, No. 31.) where did you find them?

A. In Hyde's Coffee-houſe, Dame Street, Dublin.

Q. In whoſe apartment there?

A. The late Reverend William Jackſon's.

Q. Was it at the ſame time as you made the ſeizure of his papers?

A. It was at the time I took him.

Q. Was any perſon with you then?

A. Yes—Mr. Atkinſon.

Q. Mr. Jackſon was in bed at that time, I believe?

A. He was.

Mr. John Atkinſon, (ſworn)

Examined by *Mr. Law.*

Q. You were preſent I believe with Mr. Carlton, at the time theſe papers were ſeized, at Mr. Jackſon's lodgings at Hyde's Coffee-houſe?

A. I was.

Henry Manley, (ſworn).

Examined by *Mr. Garrow.*

Q. You were I believe a clerk to Mr. Stone the priſoner?

A. I was.

Q. Look at this paper, (No. 29,) whoſe hand-writing is it?

A. I cannot ſay, I think it is Galleirs.

Q. What was Galleirs?

A. A clerk to Mr. Stone.

Q. Were you acquainted with his manner of writing?

A. I have ſeen him write ſeveral times.

Q. Do you believe that paper to be the hand writing of Galleirs?

A. I do.

Mr. Serjeant Adair. I ſhall ſubmit to your Lordſhip that this is not evidence.

Mr. Garrow. We ſhew it was found in Mr. Jackſon's poſſeſſion.

Lord Kenyon. State how this is evidence.

Mr. Garrow. That the paper is evidence to be read, nobody will doubt, becauſe it was one of Mr. Jackſon's papers.

Lord Kenyon. Why is it evidence to be read? becauſe I am not ſure that you do not take that for certain which remains to be proved.

Mr. Garrow. I will ſtate how I humbly conceive this paper to be evidence. We have already given evidence admiſſible and fit to go to the Jury, to ſhew that a conſpiracy for the treaſonable purpoſes alledged in this indictment exiſted between the priſoner and William Jackſon and others; that in the courſe of that conſpiracy there was a correſpondence upon the ſubject of that conſpiracy; that certain papers paſſed from Mr. Jackſon to Mr. Stone upon the ſubject of that conſpiracy, and certain others; ſome in the hand-writing of Mr. Stone, and ſome in the hand-writing of other perſons, were forwarded by him from this Country to Mr. Jackſon.

Lord Kenyon. If you will prove this was ſent by him, that removes all objections.

Mr. Garrow. Your Lordſhip knows there are divers ways by which any fact may be proved; the fact of its being delivered over by the priſoner at the bar, is the beſt mode of proving it by a witneſs who ſaw it delivered; but I ſubmit that there is another medium by which it may be proved; in this way, that a perſon who might have been ordered by the priſoner to write it (we do not ſay that he was) that a perſon who was in the habit of writing papers for the priſoner, has written this paper, and that a paper ſo written upon the ſubject of the conſpiracy is found in the poſſeſſion of one of the conſpirators, in company with other papers which form branches of the ſame conſpiracy; it is merely a copy of Mr. Smith's letter.

Lord Kenyon. If it contains in it a copy of Mr. Smith's letter, that puts it in a very different poſture.

Mr. Erſkine. Still we muſt only take care of this, that the hand-

hand-writing of Mr. Galliers is by no means received as evidence that this came from Mr. Stone.

Lord Kenyon. The hand-writing of Galliers, as at preſent adviſed, I ſhould think would not make it evidence.

Mr. Garrow. We never meant to contend it would.

Lord Kenyon. With this additional circumſtance, it ſeems to me to have got rid of the objection.

Mr. Erſkine. Mr. William Smith delivers a paper to Mr. Stone, which is proved as a fact in the courſe of the cauſe. Any copy of that paper, no matter in whoſe hand-writing, being found in the poſſeſſion of Mr. Jackſon, is a ſtrong preſumption undoubtedly that that paper, ſo found, came from the defendant, Mr. Stone, inaſmuch as there is proof in the cauſe that that very paper was delivered to Mr. Stone; but it does not ariſe from Gallier's hand-writing.

Mr. Garrow (to H. Manley.) Do you believe that paper (No. 30) to be Gallier's writing?

A. I do.

Q. Which Mr. Galliers was clerk to Mr. Stone?

A. Yes.

Q. Was Mr. Galliers ever in Ireland?

Mr. Serjeant Adair. Mr. Galliers himſelf may be called to that.

Mr. Garrow (to H. Manley.) Look at theſe papers. Whoſe hand-writing do you believe them to be?

A. They appear to me to be Galliers hand-writing.

Mr. Serjeant Adair. Now I ſee the reaſon why this evidence was attempted to be firſt connected with that paper, which unqueſtionably is admiſſible evidence in the caſe, and it now leads to that which ſhews the danger of admitting evidence of that deſcription at all. I have looked at the papers with which I have been favoured, and they appear now to be the hand-writing of another perſon; a living perſon, who might be called as a witneſs; they are now, under the pretence of proving that perſon to be a clerk of Mr. Stone, going to offer a paper, of which not one tittle is evidence to connect this paper with Mr. Stone.

Lord Kenyon. You need not labour this point till I hear ſome grounds given why it ſhould be received.

Mr.

Mr. Garrow. If it has been ſuppoſed for a moment that we imagined that the hand-writing of a clerk of any gentleman can at all make that hand-writing evidence againſt a perſon, by whom in ordinary, proper, laudable and legal tranſactions he was employed, it has been totally miſtaken; we had no ſuch conception, and never meant to offer this in any ſuch view; but we humbly ſubmit, that even without the introduction of the laſt paper, which it is clearly admitted is evidence, but ſtill more ſtrongly after that paper has been read, as it is now taken to have been, this paper is clearly evidence, I muſt take the liberty of adverting to two or three ſentences uttered upon the ſubject of other papers. We have given evidence that a conſpiracy for the purpoſe of effecting that treaſon which is alledged againſt the priſoner in this indictment, ſubſiſted between him and Jackſon, and other perſons, and that a part of that conſpiracy and treaſon was to be effected by communications in writing, as to the ſtate of the politics of this Country, and of Ireland, and the probability of certain principles being brought to maturity by the means of ſuch communications. We have found amongſt the papers of one of theſe conſpirators, certain papers, which by other parts of the proof, it is perfectly clear, went from this priſoner, ſome being in his hand-writing, others being copies of papers which are proved to have been communicated to him, and which appear by other parts of the proof to have been communicated by him to Jackſon; and we now find, for I lay out of the caſe entirely that this is Galliers hand-writing, I do not think it helps my argument at all———

Mr. Juſtice Groſe. I underſtood that was the queſtion put, whether it was Galliers hand-writing.

Mr. Garrow. But I do not think that neceſſary at all, it is an ingredient in the caſe; it is not certainly ſo ſtrong, or any thing like it, as if in the hand-writing of the priſoner, but is it not evidence fit to go to the Jury, from whence, coupled with all the reſt, it is fit to infer that this was ſent by the priſoner?

Mr. Juſtice Groſe. It is ſuſpicious when you won't call the man who is known to have written it.

Mr. Erſkine. And he is not in their liſt of witneſſes.

Mr.

Mr. Juſtice Groſe. I know that.

Mr. White. My Lord, I never heard a word about Galleirs till this young man told me of him yeſterday.

Lord Kenyon. Before the evidence is admitted in a caſe of this kind, one's mind muſt be convinced it ought to be received. I think there is too much doubt in this caſe for me to ſay that this ought to be received in evidence. The queſtion decided yeſterday I have ſince revolved in my mind as well as I can, and I have conſulted the caſe of Lord Lovat, and other caſes, and I have no doubt that evidence was properly admitted.

Mr. Garrow. Then we read it as a paper found at Mr. Jackſon's.

Lord Kenyon. That is going rather further than I think the rules of evidence ought to go. I am of opinion that the acts of Mr. Jackſon in the proſecution of the conſpiracy of which there is evidence between him and Mr. Stone may be given in evidence, but at preſent it reſts to be made out that this paper was adopted by Jackſon; it might be a paper officiouſly and impudently ſent to him by other people, and in ſuch a caſe one is not to preſs an inference. In converſation I ſhould not ſcruple to ſay what I believed, but I will not, ſitting in judgment, expreſs inferences upon what I think not legal evidence.

Mr. Juſtice Groſe. Whenever you bring evidence for the purpoſe of proving a fact, you muſt give the beſt evidence. The fact intended to be proved to the Jury, is, that this came from Mr. Stone, written by his order. Who is the beſt evidence to prove that? why the man who wrote it, in this and in every caſe, whether the matter be criminal or civil. In many caſes we do admit evidence that is not the beſt, becauſe better evidence is not to be produced.

Mr. Juſtice Lawrence. There is no difference between civil and criminal caſes as to evidence; whatever is proper evidence in one caſe, is in the other. With reſpect to criminal caſes, if there is any doubt, one would lean in favour of a defendant, for the reaſon mentioned by my Lord yeſterday, becauſe that is not to be ſet right afterwards. There is no evidence that this

was

was by the directions of Mr. Stone, unleſs you connect it with the antecedent letter which had copied in it Mr. Smith's letter, how can this be evidence only upon this ground; becauſe Mr. Stone has employed him to write one letter, therefore you muſt ſuppoſe him to have employed him to write the other. That is going too far when Galliers is alive, and might, if proper notice had been given, have been called to prove that fact.

Mr. Garrow. (to *H. Manley.*) Look at this paper (No. 31.) whoſe hand writing do you believe that to be?

A. This is my own.

Q. By whoſe directions did you write that paper?

A. Very often I uſed to have letters to copy for Mr. Stone, and it is moſt likely that I had it in that way; I do not remember the time when I did write it.

Q. You were in the habit as a clerk to Mr. Stone, of copying papers, which he gave you to copy?

A. Yes.

Q. Look at the paper and ſay, to the beſt of your recollection and belief, by whoſe direction you wrote it?

A. I ſuppoſe it muſt be Mr. Stone gave it me; I know no other way.

Q. Did you ever write a paper of that import, by the direction of any other perſon?

A. No; not to the beſt of my knowledge.

Q. Is the anſwer you gave me, that to the beſt of your belief, you wrote that by the direction of Mr. Stone?

A. Yes; I never copied any but by the direction of Mr. Stone.

Q. Did you write it upon your own motion?

A. No.

Q. And, therefore, you believe you wrote it by the direction of Mr. Stone?

A. Yes.

Mr. Solicitor General. No. 29. is a duplicate of Mr. Smith's paper. No. 31. is a duplicate of Mr. Vaughan's paper.

Mr. Serjeant Adair. They may be put into Court, they need not be read.

Lord

Lord Kenyon. The Jury will underſtand, that theſe papers which were found in Mr. Jackſon's lodging, are copies of the opinions of Mr. Smith, and Mr. Vaughan, reſpecting the affairs of this Kingdom, communicated by the priſoner to Mr. Jackſon, in Ireland.

[*No.* 29.]

" Dear Sir,

" I was a good deal ſurprized the other day at the degree of " credit which you appeared to give to the rumour of a French " invaſion; but as I know many are of your opinion, and many " more affect to be ſo, I feel deſirous of ſtating to you the " reaſons why I cannot but diſregard any ſuch apprehenſions.

" In the firſt place nothing appears to me more clear than " that thoſe who are now at the head of affairs in France are too " wiſe to make ſuch an attempt, without a proſpect of ſome " advantage adequate to the riſque which muſt be incurred by " both the army and the fleet employed in the ſervice;—and " this advantage I ſhould think muſt be ſomething more than " merely the burning a few towns and villages, (ſuppoſing even " that to be accompliſhed), or the creation of a temporary alarm. " From general hiſtory too, and yet more ſtrongly from their " own recent experience, muſt they be aware of the difficulty of " an hoſtile army's making any laſting impreſſion on a people " unwilling to receive them, and eſpecially on an Iſland in poſ- " ſeſſion of a ſuperior navy, and which can at any time call other " fleets to its aſſiſtance.—If all this be true, it is ſcarcely reaſon- " able to expect ſuch attempt, unleſs the French flatter them- " ſelves with the hopes of co-operation on this ſide—an expecta- " tion as far as I am able to judge, ſtill leſs likely to be realized " than even that of ſucceſs without it.—That numbers here " are diſguſted with the war I have no reaſon to doubt, but no " ſymptoms have yet appeared of any general diſapprobation of " Government; on the contrary miniſters ſeem to have been " ſucceſsful in raiſing a ſtrong ſpirit of attachment to every " branch, I might almoſt ſay, to every abuſe of the Conſtitution; " nor do I think it poſſible for any man who impartially views

" the

« the ſtate of things and of parties in this Country, to expect « any other effect from an invaſion, than an almoſt univerſal « riſing of the people to defend themſelves againſt an attempt « which they would conſider as levelled at their Conſtitution « and liberty, and which they would therefore execrate and reſiſt « as much as the French did the Duke of Brunſwick's irruption. « Much has been ſaid of the progreſs of French principles here, « if by this be meant no more than that at one time the opinion « was rapidly ſpreading of the French Revolution having a « favourable aſpect on the happineſs of Europe and of mankind, « I firmly believe it—and I believe alſo, that a pretty general « perſuaſion prevailed of the exiſtence of ſuch abuſes in our « own Government as required a reformation ſpeedy and ef- « fectual—partly however from natural cauſes, and partly from « artifice, I am convinced that theſe opinions have much de- « creaſed both in force and in extent: and that tho' the tide « may turn, yet that it is not by an invaſion that ſuch a revolution « would be brought about.—We ſhould only wrap our cloak « tighter around us, like the man in the ſtorm, and refuſe every « offer of fraternity, that came in ſo queſtionable a ſhape.

« Sincerely wiſhing for peace, and thinking that theſe rumours « of invaſion are induſtriouſly circulated with the view of ex- « aſperating the people and of rendering them more in earneſt for « the war, I ſhould be very deſirous of ſtating publicly in « Parliament, every idea I have here communicated to you, if « I did not know that my general attachment to the cauſe of « liberty and the ſatisfaction which I have repeatedly expreſſed « at the overthrow of deſpotiſm in France, have rendered me « to a very conſiderable degree obnoxious, and expoſe my « ſentiments to miſrepreſentation of the moſt invidious kind."

[*No.* 31.]

« Excluſive of poſitive information of the temper of the Coun- « try, it may be known by people at a diſtance by the fol- « lowing ſigns:

« There are no petitions againſt the war.

" There are courtly verdicts given by juries, with few ex-
" ceptions.

" There are no mobs, though much diſtreſs.

" There is much readineſs to enliſt as ſoldiers.

" There is much quietneſs in being impreſſed on the part of
" ſeamen.

" The votes of Parliament are nearly unanimous, though
" the Parliament has run through half its length, and the
" members of the Houſe of Commons look to their re-election.

" The ſtability of Lord Chatham continues in deffance of all
" his neglects.

" Terror pervades the friends of liberty, who would ſoon ſhew
" a different appearance, if they were countenanced by the ma-
" jority of the people.

" The temper of England is in favor of the firſt French
" Revolution, but not of the ſecond. However, on the whole,
" it ſhews ſymptoms of being adverſe to the preſent ſituation of
" the war, not from diſliking its principles, but from ſeeing
" little profit in it. At the ſame time that they think its main
" object unattainable (namely, the overthrow of the preſent
" French ſyſtem) they would be more earneſt for peace, had
" they either ſuffered enough, or did they think the preſent
" French Government ſincerely diſpoſed to peace.

" There are many perſons attached to the principles of
" the French Revolution in England, if they are reckoned
" numerically, but they are as nothing compared to the great
" maſs of the people who are indiſpoſed to them.

" In Scotland the proportion of Democrats is encreaſing, but
" they are as yet but a ſmall minority.

" Ireland will follow the Democracy of Scotland, each of
" theſe Countries wants time only to convince itſelf in its own
" way, but it will not be convinced by a French invaſion.

" If France were to invade England, every man would turn
" out from good will or from fear, and the few who are diſcon-
" tented would be quelled with eaſe, as the French citizens were
" by La Fayette in the Champ de Mars, or the diſaffected lately
" by the Commiſſioners in Alſace.

" There

« There could be but one line of conduct for Engliſhmen « to purſue, ſhould the Country be invaded—they muſt de- « fend it.

« Wars being but the means of attaining peace, and the « well meaning among the ſubjects of the confederates being « told that the French, are ſo adverſe to peace, or aſk ſuch pre- « liminaries that it is in vain to treat with them, it would be « highly uſeful if France declared, after any new ſucceſſes which « ſhe may hereafter obtain,

« Her averſion to conqueſt,

« Her diſpoſition to peace,

« Her deſire that other nations ſhould govern themſelves,

« Her determination of changing this ſyſtem, if the war « againſt her is continued. And it would be uſeful alſo if « every convenient opportunity were taken of declaring that « her preſent Government is revolutionary, and that the con- « ſtitution of June laſt will be acted upon at the peace, and « alſo if ſhe declared her regret at the neceſſity of uſing harſh « meaſures, and now and then employed philanthropic language, « which has an aſtoniſhing effect in pacifying the Engliſh, and « indeed in pacifying Europe.

« It would tend much to conciliate the minds of the Engliſh, « were the Convention to decree the liberation of all the « Engliſh now in a ſtate of arreſt, unaccuſed of crimes, and « reſtoring to them their property, at the ſame time allowing « them to leave the Country within a certain ſpace of time.

« It would tend alſo much to create an averſion to the war, « were the Convention to decree the terms on which they « would make peace. This conduct would be magnanimous, « and if they did not hold out terms extravagant, the people « of this Country would not heſitate to ſpeak their averſion to « a continuance of the war.

« It would be very adviſeable to have copies of the more « important decrees and reports lodged at Havre to come hither « by neutral veſſels, for the purpoſe of being tranſlated."

Mr. Law. We will call Mr. Carlton to prove the finding a paper in Mr. Jackſon's cuſtody, and which Mr. Cokayne proved was procured by a Mr. Tone.

Oliver Carlton, Eſq. (called again)

Mr. Law. Where did you find this paper, (No. 24.)?

A. In Mr. Jackſon's apartment.

[*No.* 24, *read.*]

" The ſituation of Ireland and England is fundamentally " different in this—the Government of England is national, " that of Ireland provincial. The intereſt of the one is the " ſame with that of the people, of the other directly oppoſite.

" The people of Ireland are divided into three ſects—the " eſtabliſhed Church, the Diſſenters, and the Catholics. The " firſt, infinitely the ſmalleſt portion, have ingroſſed, beſides " the whole Church patronage, all the profits and honours of " the Country excluſively, and a very great ſhare of the landed " property. They are of courſe Ariſtocrats, adverſe to any " change, and decided enemies of the French Revolution. " The Diſſenters who are much more numerous, are the moſt " enlightened body of the Nation; they are ſteady Republicans " devoted to liberty, and through all the ſtages of the French " Revolution; have been enthuſiaſtically attached to it. The " Catholics, the great body of the People, are in the loweſt de- " gree of ignorance and want, ready for any change, becauſe " no change can make them worſe. The whole peaſantry of " Ireland, the moſt oppreſſed and wretched in Europe, may be " ſaid to be Catholic. They have within theſe two years receiv- " ed a degree of information, and manifeſted a proportionate degree " of diſcontent, by various inſurrections, &c. They are a bold " hardy race, and would make excellent ſoldiers. There is no " where a higher ſpirit of Ariſtocracy than in all the privileged " orders. The clergy and the gentry of Ireland, down to the " very loweſt, to countervail which there appears now a ſpirit " riſing in the People which never exiſted before, but which is " ſpreading moſt rapidly, as appears by the Defenders as they are

" called

" called and other inſurgents. If the People of Ireland be
" 4,500,000 as its ſeems probable they are, the Eſtabliſhed
" Church may be reckoned at 450,000, the Diſſenters at
" 900,000, the Catholics at 3,150,000. The prejudices of Eng-
" land are adverſe to the French Nation under whatever form
" of Government. It ſeems idle to ſuppoſe the preſent rancour
" againſt the French, is owing merely to their being Republi-
" cans; it has been cheriſhed by the manners of four centuries,
" and aggravated by continual wars. It is morally certain
" that any invaſion of England, would unite all ranks in oppo-
" ſition to the invaders. In Ireland, a conquer'd oppreſſed and
" inſulted Country, the name of England and her power is uni-
" verſally odious, ſave with thoſe who have an intereſt in main-
" taining it.—A body however, only formidable from ſituation
" and property; but which the firſt convulſion would level in the
" duſt.—On the contrary, the great bulk of the People would
" be ready to throw of the yoke in this Country, if they ſaw
" any force ſufficiently ſtrong to reſort to for defence, until ar-
" rangements could be made. The Diſſenters are enemies to
" the Engliſh power, from reaſon, and from reflection. The
" Catholics from a hatred of the Engliſh name.—In a word,
" the prejudices of one Country are directly adverſe, of the
" other directly favourable to an invaſion. The Government
" of Ireland is only to be looked upon as a Government of force;
" the moment a ſuperior force appears, it would tumble at once,
" as being neither founded in the intereſt nor the affections of
" the People. It may be ſaid the People of Ireland ſhew no po-
" litical exertion: in the firſt place, public ſpirit is completely
" depreſſed by the recent proſecutions of ſeveral, the Convention
" Act, the Gunpowder Bill, &c. &c.—Declarations of Govern-
" ment, or Parliamentary unanimity, or declarations of Grand
" Juries, all proceeding from Ariſtocrats, whoſe intereſt is ad-
" verſe to that of the People; and who think ſuch conduct
" neceſſary for their ſecurity, are no obſtacle. The weight of
" ſuch men falls in the general welfare, and their own tenantry,
" and dependants would deſert, and turn againſt them. The
" People have no way of expreſſing their diſcontent *civilliter*;

" which is at the ſame time greatly aggravated by thoſe meaſures;
" and they are on the other hand in that ſemi-barbarous ſtate,
" which is of all others the beſt adapted for making war. The
" ſpirit of Ireland cannot therefore be calculated from newſpaper
" publications, county meetings, &c. at which the gentry only
" meet and ſpeak for themſelves; they are ſo ſituated that they
" have but one way left to make their ſentiments known; and
" that is by war.—The Church eſtabliſhment, and tythes are
" very ſevere grievances; and have been the cauſe of numberleſs
" local inſurrections; in a word, from reaſon, reflection, intereſt,
" prejudice, the ſpirit of change, the miſery of the great bulk
" of the nation; and above all the hatred of the Engliſh name,
" reſulting from the tyranny of near ſeven centuries, there ſeems
" little doubt but an invaſion in ſuffic^{t}. force, would be ſupported
" by the People.—There is ſcarcely any army in the Country,
" and the Militia, the bulk of whom are Catholics, would to
" a moral certainty refuſe to act, if they ſaw ſuch a force as they
" could look to for ſupport."

Iſaac Dejoncourt, Eſq. (called again.)

Examined by *Mr. Law.*

Q. That paper in your hand, purports to be a copy of the record of the conviction of the late Mr. Jackſon, for the crime of High Treaſon; did you examine that with the record?

A. I did in the proper office in Dublin, examine it with the record.

Q. And that is an exact copy?

A. It is.

Mr. Erſkine. Is it a final record, and the judgment upon it?

There was the following note at the bottom—" the priſoner died in Court before judgment was given."

Mr. Law. There is a record of the verdict.

Lord Kenyon. That will not do, it is a very ſingular caſe.—

Mr. Law. Does your Lordſhip think it cannot be received as evidence of the verdict?

Mr.

Mr. Garrow. This is a record of all that paſſed up to the time.

Lord Kenyon. But I do not know judicially what became of that verdict.

Mr. Law. Were you in Court when Mr. Jackſon died?

A. I was not.

Mr. Law. Here is a letter, written by Mr. Cokayne, by the order of Mr. Jackſon, (No. 26.)

Mr. Attorney General. This is a letter ſigned Thomas Popkins; and which is apparently, from its contents, an anſwer to a letter of the 11th of April; which is a letter ſigned Beresford, in the hand-writing of Hurford Stone.—I thought it had been proved.

Mr. Serjeant Adair. It is a letter William Stone never ſaw.

Mr. Attorney General. If your Lordſhip will permit me to prove it when Mr. Cokayne comes——

Mr. Serjeant Adair. I have no objection to take it as proved.

Mr. Juſtice Lawrence. There was another perſon, I believe, who ſpoke to Jackſon's hand-writing?

Mr. Serjeant Adair. This is ſtated to be written by Mr. Cokayne, by the direction of Jackſon.

Q. (*to Mr. Dejoncourt.*) Did you ſtop that in the Poſt Office, in Ireland?

A. I did.

Mr. Attorney General. I am happy to inform your Lordſhip, that I ſhall finiſh my caſe here on the part of the proſecution.

Lord Kenyon. Do you conſent to the reading this when Mr. Cokayne has proved it?

Mr. Erſkine. We wiſh it to be read now; but it is not to be conſidered as evidence, unleſs Mr. Cokayne comes to prove it.

[*No.* 26, *read.*]

" Sir, " Dublin, 24 April.

" You are requeſted to ſee Mr. Madgett directly, and inform

" him that this evening two papers, containing the opinion of " the firſt council in this Kingdom, relative to his family law-" ſuit, are ſent off to him by the poſt. Mrs. Madgett's friend " has been wholly occupied ſince his arrival here in obtaining " thoſe opinions, attending different conſultations, and collecting " what is now ſent, as a real caſe in point. Your brother-in-" law, with whom the friend of Madgett has had frequent con-" ferences, approves the opinions ſent, as containing the opi-" nions of all good and honeſt lawyers on the ſubject. Mad-" gett may, therefore, proceed for the recovery of his family " fortune, by hoſtile or pacific means, as he and his friends " think proper.

" I am, Sir,

" Your humble ſervant,

" THOMAS POPKIN.

" N. B. Your brother-in-law has written to your wife, in " order to find out the ſex of your child. I am told that it is " a very fine boy, the picture of his father, ſound in every part " except the brain.

" *A Monſieur Beresford,*

" *Chez Bourcard, and Co.*

" *Bazil, Switzerland.*"

[*The End of the Evidence for the Crown.*]

FOR

FOR THE PRISONER.

MR SERJEANT ADAIR.

May it pleaſe your Lordſhip—Gentlemen of the Jury,

You are called upon, on the preſent occaſion, to diſcharge one of the moſt important, one of the moſt awful, one of the moſt ſacred duties that can reſt upon men in civilized ſociety. In your hands are entruſted, the maintenance and ſupport of the juſt laws of the Country in which we live on one hand, and the protection of the lives, the liberties, the honour, and the fortunes of your fellow ſubjects, on the other. The fate of the unfortunate gentleman at the bar is now in your hands. You are, to-day, to pronounce upon that fate. Unfortunate, from the ſituation in which he ſtands, I muſt neceſſarily call him, becauſe every man, whether guilty or innocent, is to a degree unfortunate, who ſtands before an awful tribunal of his Country, charged with a crime of the greateſt magnitude againſt ſociety which any individual can commit, and anſwering, at the peril of his life, after a period of near two years has been employed, to prepare and arrange evidence againſt him by ſome of the ableſt lawyers in this Kingdom. That ſuch a ſituation is, in itſelf, enough to weigh down the mind of any man you all muſt feel. But, if that ſiturtion is always unfortunate, peculiarly unfortunate indeed is that of Mr. Stone, which is diſtinguiſhed from the general caſe of priſoners who ſtand under ſimilar charges at your bar, by a variety of circumſtances of hardſhip, which, though I do not mean to impute them as matter of blame to thoſe who have been the authors of the proſecution, have yet been circumſtances of great loſs, of great ſuffering, and of great cruelty to this unfortunate gentleman.

Whatever may be the event of your verdict to-day (of which I can have no doubt when I recollect the evidence that has already been laid before you) and for which I feel no further

anxiety than that which is neceſſarily annexed to the ſituation in which I ſtand; but, whatever may be the event of that verdict, you have no power, the Court has no power, nor is there any power upon earth that can reſtore the priſoner to the ſituation in which he ſtood on the day before he was apprehended. Poſſeſſed, at that time, of an ample fortune, of undiminiſhed credit, of unblemiſhed reputation, of domeſtic comfort, and numerous friends, by whom he was beloved and reſpected, he has been for a ſpace of near two years driven from theſe connections and torn from his domeſtic enjoyments. He has become, from the neceſſary conſequences—I will ſay (without imputing any intention of producing thoſe conſequences to the parties by whom they have been produced) but, from the neceſſary conſequences of the proceedings againſt him in this caſe, he has from thoſe circumſtances of affluence, comfort, and felicity, in which he ſtood till the time when he was apprehended—become a bankrupt in fortune, and in character. His character is the only thing that can be reſtored by your verdict. Under a cloſe impriſonment for now a year and three quarters, he has neceſſarily ſuſtained hardſhips that, beſides the anxiety of his mind, have inevitably ruined his fortune, impaired his health, deſtroyed his domeſtic comforts, and broke down with calamity and affliction a tender and affectionate wife, the companion of his fortunes.—Theſe are hardſhips, which I am ſure the mind of every feeling man muſt compaſſionate, and which have been a puniſhment greatly more than adequate to any crime, which can be imputed to this gentleman, ſhort of the fulleſt extent of the guilt which is charged in this indictment.—To the full extent of that, I have no difficulty in ſaying that he has nothing to fear.

This is the ſituation in which this unfortunate gentleman is placed. His life, his honour, the happineſs of his family, every thing that is valuable in this world, every thing that is dear to the human heart, and intereſting to the feelings of man, are now at your diſpoſal. You have been, as I have already ſtated, and as you ought to be, informed, on the one hand, that, in caſes where crimes of great magnitude and danger to the State, are made out by clear and ſatisfactory evidence, in intention, as well

as

as in act, to convict is a painful duty; but it is a ſacred duty, that attaches, by the laws and policy of the Country, on Jurymen. On the other hand, there is a duty, not leſs ſacred than that, due to every perſon who ſtands charged with a crime that affects his life and honour, (a duty which renders neceſſary the moſt cautious and circumſpect attention to every circumſtance that ſhall be laid before you in evidence,) to guard your minds againſt being miſled by ingenuity; againſt making indefinite or ſubtle conſtructions againſt the life of your fellow creature. In a caſe where you have reaſon *to doubt* (I hope I ſhall even be able to remove that doubt) but, in a caſe where you have even reaſon *to doubt* of the *criminal intention* of the party, you ought to guard your underſtandings in the exerciſe of that duty; and if you ſhould deliver a man, *innocent in intention*, into the hands of the executioner, his blood would be upon your heads. May he who is the God of mercy and of juſtice, direct your hearts and your underſtandings to form that judgment which juſtice and which mercy require.

Gentlemen, you have heard very diſtinctly, very candidly, and very honourably ſtated by my learned friend, the Attorney General, who in that has purſued the conduct dictated by his honourable mind,) the nature of the charge againſt the priſoner. I do not mean to enter minutely into the form of the charge, as it does not ſeem to me that any queſtion is likely to ariſe upon the application of the evidence to the different counts of this indictment. The overt acts in the indictment, which have been attempted to be proved againſt the priſoner, are, for having confederated with two other perſons, named in the indictment, and with perſons who are not named, to ſupply intelligence to the enemies of this Country, during a war, for the purpoſe of aſſiſting thoſe enemies in the proſecution of that war; and of inciting, encouraging, and aſſiſting thoſe enemies to make an hoſtile invaſion of the dominions of this Country. Gentlemen, the crime is a very heavy one indeed; and in proportion to the magnitude of the crime, and to the certainty of the puniſhment which *muſt* and which *ought* to await conviction for ſuch a crime, I have no doubt your conſciences will direct you to be cautious, and to attend well to the proofs by which ſo heavy a charge is ſupported.

My

My learned friend has, with the ſame candour which I have already ſo juſtly aſcribed to him, ſtated to you, in the outſet, that which it would have been my duty moſt ſtrongly to impreſs upon your minds, if it had not been already impreſſed upon them from an authority in every reſpect preferable; from an authority of greater weight in itſelf, in reſpect of abilities and character; from an authority of much greater weight, when it proceeds from the Law Officer of the Crown, diſcharging his public duty in the conduct of this proſecution;—that you cannot, conſiſtently with your duty; that you cannot, conſiſtently with the obligations of juſtice; that you cannot, conſiſtently, as my learned friend truly and eloquently expreſſes it, with the feelings congenial to the breaſts of an Engliſh Jury,—you cannot, whatever has been the conduct of this gentleman, convict him of the treaſon with which he is charged, unleſs you are ſatisfied of the *wicked purpoſe of his heart*; and that the acts that he did, and aſſiſted in doing, were done by him, with a full knowledge of the dangerous and malignant purpoſe to which they were directed; with a deliberate intention, in his mind, of aſſiſting the enemies, and ſubverting the Government, of that King, to whom he owes his duty and allegiance.

Gentlemen, that ſtatement, ſo ably, ſo candidly, and ſo eloquently made, at the outſet of this proſecution, has relieved me from thoſe endeavours which it would have been my duty to have made, in order to enforce that principle as well as I was able; becauſe I am confident, that that early impreſſion in your minds, joined to the feelings which my learned friend truly ſtated to be planted in the heart of every inhabitant of this happy Country, accuſtomed to the due and regular adminiſtration of juſtice; that ſentiment, and that feeling, is too deeply impreſſed upon your mind to ſuffer me to think it neceſſary to take up one moment of your time in enforcing that principle, as I am confident you know your duty, and that you will have a pleaſure in diſcharging it, to acquit the priſoner, if, after all you have heard on both ſides, you ſhould remain *doubtful* of *the intention* with which any of the acts imputed to the priſoner have been done; and if it is your duty, as I truſt it is, and as I know

will

will never be denied by my learned friend who oppoſes me, to acquit the priſoner. If you ſhould remain *doubtful* of the intention with which thoſe acts were done, how much more forcibly will you feel that duty, how much more will your honeſt breaſts rejoice in the performance of it, if I ſatisfy you, as I flatter myſelf I ſhall, in the courſe of the obſervations I have to make, and the evidence that it may be neceſſary to lay before you on the part of the priſoner, that there is *no doubt* of thoſe *intentions*; that they do not remain in balance at all; and, whether his conduct has heen ſtrictly prudent, and ſtrictly regular in all its points, or not, you will *not have a doubt* that his principles and intentions were ſuch as became a good ſubject.

You obſerve, Gentlemen, a great deal has been ſaid, and neceſſarily ſaid, in this cauſe; and a great deal has been proved, and neceſſarily proved, reſpecting the two other perſons mentioned in this indictment; (and this is a part of the caſe which will call for your moſt ſerious attention, in order to diſtinguiſh the weight and effect of the evidence which has been adduced before you;) a great deal has been ſaid, and a great deal has been proved, reſpecting two other perſons, not now upon trial before you, becauſe it was neceſſary that you ſhould be convinced that the gentleman now upon trial for his life, and charged with high treaſon in conſpiring, with two other perſons diſtinctly named in the indictment; it was neceſſary that you ſhould be perſuaded, or led to believe, by ſome evidence or other, that theſe two perſons, or one of them, had entertained the traitorous purpoſes charged in this indictment: for, if that was not proved, this charge againſt the priſoner muſt have fallen to the ground. It was for that reaſon (and I truſt I ſhall not be corrected by the high authority under which I ſpeak, in ſtating that it was for that reaſon alone) that a great deal of evidence has been laid before you, with reſpect to the conduct and opinions of other perſons than the priſoner at the bar; a foundation has been laid for that evidence, by proving that the priſoner had a certain degree of connection and intercourſe with thoſe perſons; from which it was contended, that you ſhould be led by the whole body of evidence, to infer, in the reſult, that he was conſenting to the traitorous purpoſes which were

were imputed to thoſe other perſons. I believe I have pretty correctly ſtated the ground, and the *only ground*, upon which the Court, with that attention to juſtice which I know we ſhall experience in every ſtage of this cauſe, has admitted a great deal of the evidence which has been laid before you.

You will, therefore, (attending to the ground upon which that evidence has been admitted, and the purpoſe for which it has been adduced) guard your minds, with that caution with which it is your duty to guard them, againſt carrying the effect of that evidence which has neceſſarily been laid before you, but which is not brought home perſonally to the priſoner, further than the law allows, or in truth than your own common ſenſe and good underſtanding will carry it. So far as the priſoner is not proved privy to it, and it is not brought home to him, it is only evidence to eſtabliſh that point, neceſſary to be eſtabliſhed in this proſecution—I mean, the traitorous intentions and purpoſes of thoſe *other perſons*. This leads me neceſſarily to ſay a word or two with reſpect to both thoſe other perſons.

The firſt and moſt important in this tranſaction, is an unfortunate gentleman (for guilty or innocent he has certainly been unfortunate) of the name of Jackſon; whoſe life has fallen eventually a ſacrifice to the crimes of which he was guilty, or to thoſe which were imputed to him. That gentleman has unqueſtionably been proſecuted in a neighbouring Kingdom; and you, in common with every body, are poſſeſſed—though, under the legal form commonly adhered to in the adminiſtration of juſtice, it is not ſtrictly laid in evidence before you, but we all know the fact—that Mr. Jackſon has been convicted of High Treaſon in Ireland, and that he is dead.

Gentlemen, it has been ſtated, and it appears diſtinctly from the evidence that has been read for the purpoſe of proving Mr. Jackſon a conſpirator, which was neceſſary, as a preliminary ſtep, before you could affect Mr. Stone at all of conſpiring with him, it has been proved to you what the nature of the Treaſon imputed to Mr. Jackſon was. It appears, from the papers that have been read which apply to Mr. Jackſon (letters proved to be written by himſelf to different perſons, containing certain

certain ſtatements reſpecting the Kingdom of Ireland, where he was tried and convicted) that the nature of the crime imputed to Mr. Jackſon, beyond the poſſibility of being miſtaken, was —and it is a crime unqueſtionably of the greateſt magnitude and atrocity that any man can poſſibly commit—a deliberate purpoſe to encourage the enemies of theſe Kingdoms, in a ſtate of actual war, to make an hoſtile invaſion of the Kingdom of Ireland, in which he then was; which traitorous and wicked purpoſe, for ſuch moſt unqueſtionably it was in the higheſt degree, he endeavoured to effect by a repreſentation—whether true or falſe—(God forbid it ſhould be true, in the extent in which he appears to have made that repreſentation)—of the likelihood of ſucceſs. That there were many other traitors beſides himſelf in that Country (which is unfortunate indeed, if that repreſentation be true) who were likely to aſſiſt the enemies of their Country, ſhould they attempt, with a ſufficient force, to effect a landing in that Kingdom.

Gentlemen, that ſuch a repreſentation was likely to produce the calamitous effects intended, it is impoſſible to deny—that ſuch a repreſentation could be made, in the manner in which it has appeared to be made by Mr. Jackſon, to the enemies of this Country, with an *innocent purpoſe*, it would be extremely difficult indeed to maintain. I thank God that arduous taſk is not impoſed upon me; a taſk, which perhaps hardly any ſituation can make a duty:—that of endeavouring to impoſe upon your underſtandings, by attempting to give an innocent conſtruction to the acts and opinions that have been proved with reſpect to Mr. Jackſon; it is not neceſſary for the priſoner, it would be a heavy taſk indeed if I were to attempt any ſuch vindication of that unfortunate man.—I therefore ſhall diſmiſs the ſubject of Mr. Jackſon with ſtating that, whether innocent or guilty—The crime imputed to him, and the crime ſupported in a great degree by the evidence that has been adduced reſpecting him, was that of perſuading, provoking, and encouraging an hoſtile invaſion of his Country, and by that means being the probable inſtrument of inducing one of the greateſt calamities that can poſſibly happen to any nation upon earth.

It cannot, Gentlemen, have eſcaped your attention, that all the evidence in this cauſe goes to ſhew that the conduct of Mr. Stone has been the direct reverſe of that of Mr. Jackſon. If Mr. Jackſon was juſtly convicted, and I am of opinion myſelf that he was juſtly convicted—if the breaſt of every loyal ſubject ſhould, if it were poſſible to apply that term in a criminal caſe, rejoice at a conviction for a crime ſuch as I have deſcribed to you, what will be the effect of an addreſs to the human underſtanding, or what the feelings of a human heart in a caſe the reverſe of this? Can it be inferred that a man, who is proved to have purſued a conduct the direct reverſe of Mr. Jackſon's—a conduct calculated to produce an effect diametrically oppoſite to that calamitous effect of Mr. Jackſon's conduct, ſhould be implicated in the *ſame degree of guilt*, and ſhare the *ſame* unhappy *fate* with that man? That is a mode of reaſoning which, I confeſs, my underſtanding is altogether inadequate to comprehend.—That it ſhould be, as it is, a crime of the higheſt magnitude to invite the foreign enemies of the Country to an hoſtile invaſion, to involve it in blood and ruin, and that it ſhould be a crime of *equal magnitude* to do every thing in a man's power to *prevent* theſe conſequences, will be a doctrine too ſtrange, and too abſurd, for my friends to bring home to your underſtandings and to your hearts. That the latter has been the conduct of Mr. Stone you cannot but have felt. I will make it, before we cloſe, as clear as the ſun at noon-day, that the wiſh of Mr. Stone's heart, and the exertions of his conduct, even in the moſt imprudent act that has been imputed to him in this caſe, was to reſcue his Country from that impending calamity, which an invaſion unqueſtionably is, whatever might be the fate of that invaſion, and the ultimate conſequences to the invaders.

I will make it too clear to doubt for a moment, that the object of Mr. Stone was to prevent the calamity and the horror which muſt take place when an enemy makes good a landing in an iſland like ours, though ultimately the ſpirit and virtue of the nation may repel thoſe invaders, and ruin them in the attempt. However miſchievous it might be to thoſe who ſhould make that

attempt,

attempt, no man's mind would wiſh for a moment to encourage an invaſion for the ſake of conquering the invaders: no man of humanity, who felt as he ought to do, could for a moment heſitate whether he ſhould hold out a decoy to the enemies of the Country, by way of leading them into a ſnare, by which means he might involve in blood and horror that *happy Country*, in which *no enemy has dared to ſet his foot for centuries:* no man of common ſenſe and reaſon could heſitate for a moment between the alternative, if he had it in his power to invite them by a decoy, to expoſe his countrymen to the horror and deſolation which is the neceſſary conſequence of an hoſtile invaſion, eſpecially in a Country long uſed to peace and plenty; and where (though the ſtern virtue of the inhabitants would, I have no doubt, get the better of ſuch an invaſion) we have not thoſe fortreſſes—we have not thoſe great military eſtabliſhments in the interior of the Country, that is neceſſary, for ſelf-preſervation, to keep up in Countries which, by their ſituation, are expoſed to frequent hoſtile invaſions.—The calamities, therefore, of an invaſion, dreadful as the calamities of war, as you ſee, are in other Countries upon the Continent, would be tenfold in a Country circumſtanced like this.

I believe I might venture to go one ſtep further in this caſe, and not run much hazard of being deceived in my opinion, if I were to ſtate, that, in the ſituation in which France was, at the time of theſe tranſactions, with armies—no matter how forced into the field, but having armies ſtated to amount to a million or twelve hundred thouſand men—laying aſide the dictates of humanity, which, I am ſorry to ſay, appear to have been long laid aſide by the Governors of that Country—it would, I ſay, have been worth the while of the leaders of that Country, for the purpoſe of advancing thoſe ambitious projects which the Government of France then entertained, to ſacrifice forty of fifty thouſand men to certain deſtruction, to produce the miſchief in this Country which muſt neceſſarily ariſe from an invaſion.

Gentlemen, after this repreſentation, for which I appeal to your knowledge and to your underſtandings, will it hereafter be contended, that the efforts of Mr. Stone to prevent an invaſion,

were intended to *promote the ſucceſs of France*, and *not to prevent the calamity of England?* That is a propoſition which it would be too difficult for any ingenuity that can be exerted in ſupport of this proſecution to bring home to the feelings of any man; it is a propoſition ſo monſtrous, that, I believe, if it were neceſſary to ſupport that propoſition, or to give up the proſecution, my learned friends who conduct that proſecution would not heſitate as to the alternative.

Gentlemen, there is another perſon beſides Mr. Jackſon, of whom it will be neceſſary to ſay a few words, before I enter more particularly into the circumſtances of this caſe; and that is a perſon more nearly connected with the priſoner a great deal than Mr. Jackſon (what the nature of the connection between Mr. Jackſon and Mr. Stone was, it will be hereafter material for you to conſider)—the brother of Mr. Stone, Mr. John Hurford Stone; then, and now, unfortunately for this gentleman—and in my my opinion, however I may differ from Mr. John Hurford Stone, unfortunately for himſelf—reſident, and in a great degree, as ſtated by the Attorney General, *domiciled in France.*

The ſituation of that gentleman will be, in ſome degree, material for your attention. It has been ſtated, I think, pretty fully and accurately by Mr. Attorney General in the opening, and is ſtill more fully explained by the letters which have been read in evidence on the part of the Crown (and that will certainly relieve me and you from the fatigue and delay of producing a body of evidence, which it would have been neceſſary for me otherwiſe to have laid before you) what the real ſituation of Mr. Hurford Stone in France was. That matter is now ſo fully eſtabliſhed by the whole tenor of the letters which have been read, that I need not fatigue you with a recapitulation of the particular expreſſions of them; they are in ſo little danger of being contradicted or miſunderſtood, in their general effect, that I think I may venture to ſtate the reſult of that correſpondence, and what the ſituation of John Hurford Stone was.

Firſt, it will be neceſſary to obſerve a little upon what appears to be the *character* of that gentleman: he appears to be a man

man of a fervid imagination, and a reſtleſs mind, rather with a turn inclined to ſpeculation and theory, ready to enter into any projects, and to have no great objection to innovation: this moſt unqueſtionably appears, from the courſe of the correſpondence, to be the outline of the character of that gentleman; and his brother, who (notwithſtanding all the misfortunes which have ariſen from this unfortunate introduction by Mr. John Stone of Mr. Jackſon to his acquaintance) muſt neceſſarily entertain the feelings which he has always had for his brother, of a tender and affectionate friendſhip, muſt forgive me, if I make that repreſentation which appears to be the fair reſult of the evidence in the cauſe, of the character of Mr. John Hurford Stone—repreſenting it as one of which I do not myſelf feel an entire approbation, and one from which my opinions are known extremely to diſſent: but it ſeems to me that the true character of this gentleman is, that he is a man of a fervid and enthuſiaſtic mind, fond of ſpeculation, and engaging in new enterprizes, and no enemy to innovation. That gentleman foreſeeing, that important conſequences, commercial as well as political, muſt neceſſarily ariſe from the ſtrange events that have taken place in a neighbouring Kingdom, was led, partly by curioſity, and partly by ſpeculations in commerce, and the hopes of future advantage, to viſit that Kingdom, in order to explore the ſituation of it, and to ſee whether there was a probability of that future advantage, upon which his mind ſeems always ſpeculating, by forming an eſtabliſhment there.

Unfortunately, as I think it was, for Mr. Stone, in that purſuit, he believed himſelf to have been ſucceſsful; and it appeared to his judgment, at the time of his writing theſe letters, that he had been able to eſtabliſh, anterior to the time of the tranſactions upon which this trial has ariſen, that he had been able to eſtabliſh, as you find diſtinctly ſtated in one of his letters, and agreeing with the general tenor of his correſpondence, three diſtinct and flouriſhing commercial and manufacturing eſtabliſhments in France; he had, therefore, acquired an intereſt, and a deep one with reſpect to property, in the Kingdom of France. The temper of mind that I have deſcribed to you, which appears

to me from the reſult of this evidence to be the characteriſtic of that gentleman, had alſo made him an eaſy prey to thoſe unhappy deluſions, under which *guilty men* have introduced the greateſt calamities that have defolated the earth, and by which many *innocent and virtuous men* have been *deluded.*

The temper of Mr. John Stone's mind left him an eaſy prey to thoſe deluſions, and therefore you find him in the ſituation of an euthuſiaſtic ſpeculative man, pledged by property and connected by intereſt with France, and led by the temper of his mind to fancy, and to entertain a hope, which I fear will be diſappointed, that good might ultimately ariſe out of *much evil*; and that the deſtruction of the ancient Government, the deſpotiſm of France as it has been called, might ultimately be attended with the eſtabliſhment of rational and ſubſtantial liberty in that Kingdom, after a ſeries of convulſions, and horror which would to moſt men have been ſufficient to deter the mind, from looking forward to any future proſpect, or hope of ultimate benefit reſulting to that populous and extenſive Country, or producing the liberty and conſequently the happineſs of men.

Gentlemen of the deluſion of theſe perſons no man living is more deeply convinced than he who has now the honour of addreſſing you. But it is a deluſion, which I know has actuated the minds of many men *as honeſt*, and perhaps of ſome men *wiſer* than myſelf. That it was a deluſion which actuated the mind of Mr. John Stone there cannot be a ſhadow of doubt. You therefore find him, under theſe impreſſions of mind, and of intereſt co-operating, carrying on a correſpondence when domiciled in France, with his brother reſident in England; that correſpondence was carried on between brothers who did live in a ſtate of friendſhip and affection with all the confidence which neceſſarily aroſe from that ſituation, with no great care taken on the part of John Stone to conceal his ſentiments, however reprehenſible they might appear from his brother, and with an affectionate forbearance at leaſt on the part of his brother, even in thoſe points where he might diſſent from him.

My learned friend the Attorney General I recollect in his opening ſtated, that which I ſhould alſo have ſtated, if he had not

not candidly preceded me in that ſtatement, that, conſidering the ſituation of Mr. John Stone, at that time in the Kingdom of France, and the near connection between him and his brother, it was perhaps too much to expect that he ſhould have abſtained from all correſpondence whatever—and my friend candidly and truly ſtated, that of which the priſoner ought to have the full benefit, that it would have been difficult for the *wiſeſt man living*, under the exiſting circumſtances, to have conducted that correſpondence with perfect prudence and with perfect ſafety. I noted down the expreſſion when it fell from my friend. I again repeat that I was glad it fell from him, in the firſt inſtance, rather than from myſelf, but undoubtedly it was an obſervation which it would have been my duty to ſtate to you, if he had not, and of which the priſoner is entitled to the full benefit. If it appears to the vigorous and enlightened mind of my learned friend, that it would have been difficult for the wiſeſt men—for a man as wiſe as himſelf, had he had the misfortune to have a brother in the ſituation and of the character I have deſcribed, to have conducted a correſpondence with him, with perfect prudence and perfect ſafety, how difficult muſt it have been, for the unfortunate gentleman at the bar?—that therefore will be a laſting apology, honourably made by the Counſel for the proſecution himſelf, for any indiſcretions that may appear in the courſe of the correſpondence between thoſe dear connections. You will not have a doubt when you recollect the whole of the evidence that, even if the intention of Mr. Stone's brother, went to the full length of deliberately betraying the intereſts of his own Country, if theſe wiſhes were ever entertained by his brother, domiciled in France, that ſuch a purpoſe never was entertained by the priſoner William Stone.

Gentlemen I have now ſtated the ſituation and character of the perſons concerned in this unfortunate tranſaction, of a confederacy with whom, for the criminal purpoſes ſtated in this indictment, the priſoner is charged. It will now be neceſſary having made you acquainted a little with the ſituation of the parties, or having rather diſcharged my duty in recalling to your mind thoſe circumſtances of the evidence with which you have

been made acquainted, (for you can be made acquainted with nothing in the adminiſtration of juſtice, but by the evidence laid before you) it will now be my duty a little more particularly to advert to the circumſtances of the caſe.

Gentlemen; I ſtated to you, in the outſet, the ſufferings which, without the neceſſity of imputing blame to any body, have, perhaps neceſſarily, ariſen from the unfortunate ſituation into which Mr. Stone has been brought. There is another circumſtance extremely material—to which it is not my wiſh, nor is it neceſſary for the intereſt of my client, to attach any degree of blame or imputation; but a circumſtance extremely unfortunate to the priſoner, for reaſons I have already ſtated, which has been the extreme delay of his trial—a delay, undoubtedly encreaſed by the priſoner himſelf, in the laſt Term, for I wiſh to keep nothing back from your view in this caſe; he conceived that circumſtances material to his defence could be proved by witneſſes who were abſent, and under that impreſſion you will not wonder that a gentleman who is to take his trial, whoſe life, whoſe honour, and whoſe property is at ſtake, ſhould be anxious to produce the whole of his evidence, even at the expence of adding ſomething to the ſufferings he has already ſuſtained.

But the great length of time which has elapſed, from whatever cauſe, ſince the firſt commitment of Mr. Stone, gives riſe to an obſervation extremely material for your attention in this caſe. Government, at the time of the arreſt of Mr. Stone, or within a few days and almoſt a few hours of that arreſt, by the ſeizure of Mr. Stone's papers in England, and of Mr. Jackſon's in Ireland, together with the letters that were intercepted, were I may venture to ſay poſſeſſed of *all the evidence* that has been laid before you to day. It is therefore extremely material to the ſubſtantial conviction of men's minds, as to the innocence of Mr. Stone, to obſerve that a ſeries of a year and three quarters, employed by thoſe who are to exert the moſt perſevering induſtry, as well as the greateſt acuteneſs in collecting (by collecting I mean nothing improper, on the contrary, I mean the diſcharge of a duty in collecting) material evidence in ſupport of the charges by thoſe perſons who have the conduct of public proſecutions;

but

but yet all that induſtry and ingenuity, directed by the ſkill of the Law Officers of the Crown, during a year and three quarters, has produced *no new evidence* againſt Mr. Stone.

Gentlemen; was that ever the caſe with reſpect to a man who had in truth been engaged in a treaſonable conſpiracy? I believe I may venture to ſay that it was not; and that there never was a conſpiracy imputed to any man where every year, every month, every week, from the time that conſpiracy was diſcloſed or ſuſpected, did not furniſh new facts and new evidence of thoſe facts if the imputation was founded in truth. If therefore I had upon the examinations before me, and upon ſome myſterious and enigmatical papers, which have been read in evidence to you, in the courſe of this trial, and which were then obtained by Government;—if I had, at that time, entertained a ſuſpicion of the guilt of Mr. Stone, the total inability to find any further fact, to corroborate that ſuſpicion, to find any further evidence after enquiring through all the Kingdom of every man who knew the priſoner what his conduct and demeanor, converſation and habits had been, after poſſeſſing all his papers for a year and three quarters; I confeſs that circumſtance alone would have acquired great weight with me, to have removed that ſuſpicion which at firſt had taken poſſeſſion of my mind.

This is a caſe therefore in which you *cannot* be called upon; I think in no caſe of this nature *ought* you to be called upon, to infer any thing againſt the priſoner, either in act or intention which is not diſtinctly proved by evidence brought home to himſelf—I ſay by evidence *brought home to himſelf*, for that is a diſtinction of which you muſt never loſe ſight; becauſe, though it is neceſſary, in order to eſtabliſh the guilt of Mr. Stone at all, under this indictment, to ſhew that the perſons with whom he was confederated were implicated in the imputed guilt, by evidence applying *to thoſe perſons*; it does not neceſſarily follow that, if you have proved the guilt of thoſe perſons, you have proved the guilt of Mr. Stone. That is a concluſion, which you muſt guard your minds againſt; and which it is the more neceſſary to guard your minds againſt, becauſe from the nature of the charge of a conſpiracy, the Jury muſt neceſſarily hear a great

deal of evidence *applicable to other perſons* than the priſoner, which, though legally admitted, and neceſſary to be produced in ſupport of the proſecution, for reaſons that I have already ſtated, ought not to affect the priſoner, one jot further than they are proved to have been *facts within his knowledge*, and *approved and aſſented to by him*—now I will venture to ſay that, if you ſufficiently attend to that diſtinction, the priſoner at the bar will, notwithſtanding the ſituation in which he ſtands, be as ſafe as I am, upon this occaſion.

Gentlemen, the ſeizure of all his papers (of which I do not complain, it was a legal meaſure) has induced another effect; it has excluded us from the *poſſibility* of laying before you any written evidence in this caſe; we poſſeſs none; all the written evidence that ever exiſted, that might have been favourable to the priſoner, we have been deprived of, for near two years.—Even the memory of Mr. Stone himſelf, cannot ſuggeſt with any accuracy, the contents of thoſe papers; and if it could, his memory would by no means enable me, to lay them at all before you. All that Mr. Stone can do, therefore, with reſpect to written evidence, is through me, and my learned friend, who, fortunately for Mr. Stone, will come after me, to call upon your attention to the written evidence, that has been produced on the part of the Crown.

Applications have been made for acceſs to thoſe papers, and for a peruſal of them, in order to enable Mr. Stone, and thoſe who were to conduct his cauſe, to judge whether there was any among them, that might be material, to be ſubmitted to the conſideration of the Court and Jury. Theſe applications have been refuſed—I cannot, as a lawyer, ſtate that Mr. Stone had a legal right to that indulgence. I therefore make *no complaint* of that, further than that the law ſo adminiſtered, induces a conſiderably greater actual hardſhip upon the gentleman who is to defend his life, becauſe he has not even had acceſs to thoſe papers, to refreſh his memory, as to facts and tranſactions, nor to require the production of any of them, if any of them there were, that might have been material for his defence; and the recollection and memory, under that agitation of mind, peculiar to the ſituation

ation of a man committed for High Treaſon, is not to be ſuppoſed to ſupply recollection of dates, of facts, and the contents of papers ſufficient to enable us to call for the production of ſuch papers.

With reſpect, therefore, to written evidence I can lay nothing before you, but what has been already produced by Mr. Attorney General—and, I muſt ſay, that the ſame candour which has directed his conduct in other inſtances, which I have mentioned, ſeems to have directed it in the production of that evidence; becauſe he has certainly laid before you, a great bulk of correſpondence, of Mr. Stone's brother with him, a great part of which proves circumſtances material to the defence of the priſoner, at the ſame time that inferences are attempted to be drawn from other parts of them, to ſatisfy you of his guilt. Therefore, it will be incumbent upon me, with reference to the charges of the indictment, not to do that, which I am unable to do; in a caſe of this length, and with evidence ſo voluminous, and which, perhaps, would not be eſſential to juſtice, if I were to do it—not to go through them minutely, with diſtinct obſervations upon every word, and paragraph, but with obſervations upon ſome of the moſt material parts, and general obſervations upon the reſult of the whole; for the propriety and juſtice of which I will appeal to your own underſtandings. It will be my duty to ſhew in what manner theſe letters apply; how far they go to eſtabliſh the baſis of the proſecution, and how far they go to ſupport the defence of the priſoner.

Gentlemen, you have already underſtood the nature of the charge, it will now be neceſſary to remind you of the outlines of the facts of the caſe, independent of particular expreſſions, in particular letters that have been produced. They are theſe—That, in the month of February, 1794, a perſon of the name of Jackſon, a native of Ireland, and as it is ſtated alſo, a clergyman, who had been reſident for ſome time in France, having left England on account of his debts, and to avoid his creditors; came over privately by the way of Hamburgh, and from thence to London, with letters of introduction and recommendation to Mr. Stone, in London, from his brother in France. Mr. Stone,

Stone, from the ſituation of his brother, knew that his brother had conſiderable influence (as will appear from many of his letters) which he had acquired by his exertions in advancing commerce and manufactures, with ſome perſons of conſequence in France. That Mr. Jackſon was repreſented as his friend, a perſon in his confidence, introduced by him in the character of an American merchant.—That Mr. Stone, in conſequence of that recommendation, ſhewed civility, attention, and friendſhip to Mr. Jackſon, while in London.—That he ſupplied him, at his departure, with bills, by the deſire of his brother, for which Mr. Jackſon gave his receipt; and that Jackſon, after reſiding ſome weeks in London, departed for the Kingdom of Ireland, where, after ſome time, he was arreſted and ultimately tried for High Treaſon—That, during Mr. Jackſon's reſidence in London, Mr. Stone communicated to a number of perſons, that ſuch a gentleman was here, under the deſcription which he had received of him.—That he was connected with perſons of power and influence in France. That he communicated the purpoſe of a projected invaſion of this Country, by that Country, grounded as it was believed upon a miſtaken perſuaſion (thank God a very miſtaken perſuaſion) of the diſpoſitions of the people of this Country. That Mr. Stone, in conſequence of that communication, had expreſſed his own ſentiments to Mr. Jackſon, and had collected the ſentiments of ſeveral other perſons, with a view, as Mr. Stone ſaid, for ſo I will put it now—with a view of preventing that calamity to this Country.

This is the general outline of the facts in evidence before you, independent of the circumſtances which are adduced, in order to infer guilt to the priſoner on the one hand, or to exculpate him on the other. There is alſo evidence before you, of the very criminal conduct of Mr. Jackſon in Ireland, after he had gone there. Of communications, made by him in that Country, of a very improper nature; which leave no great room to doubt of his guilt; and of ſome intercourſe of a myſterious nature, between him and Mr. Stone. How far that goes we muſt conſider more particularly afterwards. This is the general outline and feature of the caſe, independent of the particu-

lar obſervations that may ariſe. And, I believe, I have hitherto ſtated facts undiſputed, and the fair reſult of the outline of the evidence, ſtripped of the peculiar circumſtances from whence the guilt or innocence of the priſoner is peculiarly argued.

The queſtion, therfore, for your deciſion will be, upon theſe facts, and joining to theſe facts all the circumſtances that have been given in evidence, written and unwritten, whether you are perſuaded, from what Mr. William Stone knew of the character and ſituation of Jackſon, and the purpoſes for which he came here, *the purpoſes for which he went to Ireland?* And in general, from all the features of the caſe—whether you are of opinion, that Mr. Stone gave that information, which undoubtedly he did give to Mr. Jackſon, with a view of being afterwards communicated by him, to Mr. John Stone abroad, and, perhaps, to other perſons, with the criminal intention imputed in this indictment, that is, with an intention of aſſiſting the enemies of the Country, in their hoſtile meaſures againſt this Country, and for ſupporting them in war againſt his Majeſty, and his Houſe. Or whether he did it, with the intention which he ſays he did, and which he has always ſaid he did, *of averting that calamity* from this Country. Now that, I think, I have truly and fairly ſtated to be the queſtion, and the only queſtion you are to try. For the facts as I have before ſtated, are as clear as the ſun; eſtabliſhed beyond a poſſibility of doubt, that Mr. Jackſon came over, recommended by Mr. Stone to his brother; that Mr. Jackſon received from Mr. Stone the information which has been given in evidence, reſpecting the diſpoſitions of the people of England; that Mr. Jackſon afterwards, in fact, went to Ireland; and that Mr. Jackſon there committed crimes for which he has been juſtly convicted. Theſe, I conſider, as facts eſtabliſhed in the cauſe. There is, therefore, in truth, no queſtion, but *the intention* with which Mr. Stone did, all that he appears to have done, in this tranſaction.

Gentlemen, that being, I think, a fair ſtatement of the general outline of the caſe; let us conſider, whether there is diſtinct evidence of the overt-act of Treaſon, by which this indictment is to be ſupported, if it can be ſupported at all; and of that which

which is indiſpenſably neceſſary to be made out, in all caſes of crimes, and more eſpecially in a caſe of this nature. I mean, not only the overt-act of that ſpecies of Treaſon charged, but alſo *the intention* with which it was done. Now what can we put our finger upon, in all this body of evidence laid before you, as an overt-act of Treaſon in Mr. Stone, but the two papers relating to the ſtate of this Country, as applicable to the ſuppoſition of a French invaſion; which he communicated through the medium of Mr. Jackſon. I cannot conceive or imagine, that there is any other evidence whatever in this cauſe, that can be conſidered as applying to any one diſtinct overt-act of any ſpecies of Treaſon, charged on Mr. Jackſon, much leſs of the ſpecies of Treaſon charged in this indictment. I, therefore, conſider that, as the overt-act upon which they muſt rely, in ſupport of this proſecution. All the reſt of the evidence in the cauſe, is evidence explanatory of that fact, and to endeavour to draw an inference on one ſide or the other, of that which is eſſential to the queſtion of guilty or not guilty, *the intention with which that act was done.*

In the firſt place, you will not forget, how extremely different in its nature, in its conſequences, and, therefore, in its probable motive, this overt-act of Treaſon is, from the overt-act of Treaſon which was imputed to, and proved againſt Mr. Jackſon. This overt-act of Treaſon, if it can be ſtated and ſupported at all, is a charge that Mr. Stone gave information to the enemies of this Country, that the ſtate of this Country was ſuch, as to make an hoſtile invaſion imprudent and unadviſeable in them—not for the purpoſe of protecting this Country from the calamities of ſuch a ſituation; but, for the purpoſe of reſcuing France, from the miſchief that would have attended ſuch an attempt. In putting it ſo, I think I put it as ſtrongly for the proſecution, as poſſible. Now that overt-act of Treaſon is extremely different in its nature, and, if there be degrees, in its degree—but what is more material, it is eſſentially different in its probable motive, from the overt-act of Treaſon of which Mr. Jackſon was accuſed.

He was accuſed of doing that, about the motive of which there could

could be no doubt.—He was accuſed, of *inviting*, of *encouraging* the enemies of the Country to make that hoſtile *invaſion*, *in one Country*, which Mr. Stone is accuſed of *having prevented in another*. And I do not ſtate it too ſtrongly, how odd ſoever the ſound may be, that the only accuſation againſt Mr. Stone is, his having *prevented that invaſion of England*, which Mr. Jackſon *invited in Ireland*. I admit, in ſtrict conſtruction of law, the intention with which he did ſo is a queſtion, upon which you muſt ultimately decide; but, with reſpect to the *motive*, the very nature of the act eſſentially affects the probability in the outſet; for, when you find a man inviting and perſuading an enemy to come and invade his Country, it is impoſſible it can be innocent; it is criminal in itſelf; it neceſſarily tends to produce miſchief, calamity, ruin, every thing that is bad and which a good ſubject can deplore.

But is the effect the ſame? Are the motives the ſame, by which a man is actuated, to endeavour to *diſſuade* the enemy *from invading*, as to invite an invaſion? It is clear a *contrary motive* produces a *contrary effect*.—From contrary cauſes contrary effects, and contrary inferences proceed.—If a *perſuaſion* to invaſion is *guilt*, the inference is probable that a *diſſuaſion* is *innocent*; becauſe the *direct conſequence* of one is *miſchievous* and *ruinous*; the direct conſequence of the other is, beyond all doubt and queſtion, *in fact advantageous* to the Country, whatever may be the motive.—When therefore you find a man doing an act which, in its conſequence, is *beneficial* to the Country of which he is a ſubject; what principle of humanity, much more what principle in the adminiſtration of juſtice in this Country, would lead a Jury, for one moment to infer a *criminal motive* annexed to *a beneficial act*, without evidence ſo clear and cogent that it was impoſſible to reſiſt the inference.—Let us ſee therefore what the evidence on that ſubject is.

Having thus ſtated to you, I think fairly, the queſtion, and the whole queſtion you are called upon to decide; I will now give you a ſummary of the evidence that has been laid before you, as well as my limited abilities and imperfect attention will permit. I am extremely happy that any omiſſions of mine, will hereafter

be

be ſupplied by a gentleman; than whom no man is more capable to ſupply them.

The evidence that has been laid before you, applies to theſe different points, in order of time, and in the nature of the thing. It applies to the ſituation of Mr. Stone in France; to the general tenor of the correſpondence between him and his brother; to the mode of introduction of Mr. Jackſon; to Mr. Stone's conduct while Mr. Jackſon was in London; to the immediate papers, which are the evidence to ſupport the direct overt act charged againſt Mr. Stone; to the extrinſic circumſtances relative to theſe papers, from which the *intention* of Mr. Stone is to be inferred; and to that body of proof (which I mention only to lay it out of the caſe as far as concerns Mr. Stone) which goes to ſhew the criminality of Mr. Jackſon's conduct in Ireland, after he had left England.

With reſpect to the firſt, I need ſay little more to you than I have done. Mr. John Stone's ſituation appears, from his letters, to be what I have already ſtated to you, as far as affects his actual ſituation and connection with France. But there is this further appears which I will ſtate now from the whole body of the correſpondence, being perfectly ready (if it is poſſible that that ſhould be denied) to refer to the particular paſſages by which what I am going to ſay is ſupported; but at preſent I ſhall venture (relying on the memory of the Court and of you Gentlemen of the Jury) to ſtate as the reſult of all this correſpondence; that John Stone was engaging in a variety of branches of commerce in France, almoſt as various as imagination can ſuggeſt; and inviting his brother, from time to time, to concur in thoſe projects of entering into new branches of commerce, with a view to their mutual commercial advantage. That I will venture to ſtate as the reſult of the whole body of that correſpondence, without hazard of contradiction; and without entering into the particular paragraphs I will venture to ſtate upon memory, many of the different branches of commerce mentioned.

He is going into the banking buſineſs, as appears from two or three of his letters; beſides the manufactories that he had before eſtabliſhed; he is projecting a trade in Britiſh Cotton

hoſe;

hoſe; he is eſtabliſhing a trade in printing and in books; he is eſtabliſhing a trade in wine; he ſpeaks of remittances of wines by ſhips to be ſent from and to Hamburgh; he alludes to the drawing and re-drawing of bills, upon which he ſtates in one letter, that a profit of above forty per cent. was to be made; and, in ſhort, he ſeems to be going into that general ſyſtem of theoretical projects, which a man of the character I have deſcribed, is likely to fall into, at a time when circumſtances open extenſive views to projecting minds. He is turning his mind to every branch of commerce, which imagination could ſuggeſt to him, as likely from his peculiar circumſtances to be advantageouſly carried on; and he is repeatedly, in theſe letters, making propoſitions to his brother and ſoliciting him to join in theſe projects, in which Mr. William Stone's temper did not ſeem to make him ſo very ready to join.

Gentlemen, this is the general outline of the correſpondence. The uſe that I intend to make of that reſult is, hereafter to explain to you ſeveral expreſſions, which it has been contended relate to political and not to commercial ſubjects. That ſome indeed of the letters, of Mr. Jackſon at leaſt, which profeſs to relate to commercial ſubjects, are *colourable*, I ſhall not inſult your underſtanding by denying. But that many of the expreſſions in the letters of John Stone *bona fide* related to matters of buſineſs, and that the expreſſions in ſome of his letters, which have been much preſſed and relied upon, by my learned friend the Attorney General in his opening, the expreſſions in which John Stone tells his brother William, that this American gentleman, whom he repreſented as an American merchant, will have many propoſitions to ſtate to him; that theſe naturally do, and unqueſtionably may refer, to thoſe commercial propoſitions that John Stone had been repeatedly ſuggeſting, and had been certainly projecting himſelf, is an inference which I am ſure, even if it were not in favour of life, a Jury would be inclined to draw. When you find a man, engaged in a vaſt variety of commercial tranſactions, and engaging in a number of theoretical projects, relating to advantages of that deſcription; when you find him, in a letter, introducing a perſon to his brother, as a

perſon

perſon who would have much buſineſs to talk to him about, and many propoſitions to make; I ſay it is a *fair* and *natural inference*, even if it were not called for as *an inference in favour of life*, it is a fair and natural inference, that by that buſineſs and theſe propoſitions were meant, that which is the general ſubject, though not the only ſubject of John Stone's letters to his brother; and which ſhews that there was abundant buſineſs, and propoſitions ſufficiently numerous, which that gentleman ſo introduced to Mr. Stone, might have to communicate and to conſult with him about.

That there appears alſo, from ſome of thoſe letters, and from a part of the evidence of Mr. Cokayne, to which I ſhall advert more particularly hereafter, to have been a project of a commercial kind, not juſtifiable in its nature, entertained by John Stone, and countenanced by Mr. Jackſon, which was one at leaſt of Mr. Jackſon's errands to this Country, is alſo eſtabliſhed beyond a doubt. I mean the project of an illicit trade, by ſupplying France, in a ſtate of enmity with this Country—with proviſions and neceſſaries (a project criminal in a high degree) though not the crime charged in this indictment. That appears, from Mr. Cokayne's evidence, to have been a part of Mr. Jackſon's buſineſs in this Country; all this appears clearly from the evidence.—And therefore, thoſe expreſſions to which I have alluded, and which have been ſo much relied upon by the Attorney General, as inducing a ſuſpicion that Mr. Jackſon was to communicate to Mr. Stone the whole of his political purpoſes, as well as all others, falls to the ground, when, from the actual ſituation of the parties, the correſpondence that has been read, and all the evidence in the cauſe, you find that there are ſubjects abundantly ſufficient, to which theſe expreſſions may relate, without torturing them to a ſenſe to ſupport the charge againſt the priſoner; when I ſay that, I mean that this muſt be a neceſſary ingredient to render the charge more probable as to intention; this therefore is the reſult of theſe general expreſſions in the letters of Mr. John Stone.

There is another circumſtance that is extremely obſervable, in the whole of the correſpondence of John Stone, from the firſt

letter

letter in which any alluſion is made to Mr. Jackſon, to the end of the tranſaction by the apprehending of the priſoner; which is, that, throughout the whole of that correſpondence, though all Mr. William Stone's papers have been ſeized by the Crown, and been for near two years in their poſſeſſion, no one letter, note, or paper has been produced, in which Mr. Jackſon is repreſented to William Stone in any other character than that of an American merchant.—That is an extremely material fact: for I obſerve, both by a part of the opening of my learned friend, and by ſome of the queſtions put to the witneſſes that have been called, it was thought material to prove that Mr. Jackſon was a clergyman, a native of Ireland, and not what William and John Stone repreſented him to be. It is material for your obſervation, that this is a ſecret which John Stone at leaſt never thought proper to communicate to the gentleman at the bar.

What Mr. Jackſon ſaid to Mr. William Stone, you are aware it is impoſſible, either for my learned friend the Attorney General or me, to give in evidence:—I was going to ſay to know. That would not perhaps be correctly ſtated—it might be poſſible for me, from my client, to know what Mr. Jackſon's own repreſentations to him of himſelf and of his own character were, and to know all that Mr. Jackſon ſaid to Mr. Stone on the ſubject; but I could make no uſe of that knowledge; thoſe declarations are incapable of being proved by witneſſes; and the declarations of himſelf would be no evidence—knowing that, I ſhould exceed the duty of an advocate even for a priſoner, upon trial for his life, if I were to ſtate to you what at the time I ſtated it, I know could not be made evidence in the cauſe—what could not, by any poſſibility, come judicially before you. You therefore cannot have any repreſentations, nor any evidence with reſpect to Mr. Stone's knowledge of Mr. Jackſon, except from the account given to him by his brother's letters, and the evidence of living witneſſes, who can ſpeak to the nature of the connexion and intercourſe that ſubſiſted between them.

I am now therefore poſſeſſed, from the letters read, of that which I conſider as the firſt ſtep of evidence for the Defendant in that part of the caſe; that William Stone after all the time

which has been taken for the ſearch of papers, and enquiring of living witneſſes, is *not ſhewn* to have known, or even to have had ground to ſuſpect, that the character in which Mr. Jackſon was introduced to him, was *not the true one.* There is not an expreſſion in any one letter (I ſat up to a late hour laſt night to read them through) there is not one expreſſion in any one of them, which tends to raiſe even a ſuſpicion, in the mind of William Stone, that Mr. Jackſon, who was then for the firſt time introduced to him by his brother, was any-thing elſe than that which he ſtated himſelf to be, *an American merchant.* The circumſtance therefore of that not being the true character of Mr. Jackſon, is no circumſtance whatever againſt the priſoner—if poſſible it goes further, and is *a circumſtance in his favour*; becauſe it appears that, ſo little did Mr. William Stone entertain any criminal intentions, and knew of any criminal purpoſes for which Mr. Jackſon was to viſit this Country, which made it neceſſary for Mr. Jackſon, to aſſume a different character from that which was his true one; that John Stone *did not chooſe to entruſt this gentleman* with *that ſecret*; for he never does entruſt him with it. It is not in any of his letters; and all his letters have been ſeized—for it is in proof (and I aſked the witneſſes who ſeized the papers) that Mr. Stone had neither the opportunity, nor in the ſmalleſt degree ſhewed the leaſt inclination, to remove, ſecrete or deſtroy any papers whatever.

I have, therefore, a right to ſay that, under ſuch circumſtances as this, after a complete ſurvery of Mr. Stone's papers, a free and unbounded acceſs to every thing, there being no circumſtances of ſpoliation or concealment. I have a right to ſay, that John Stone *never did communicate the true ſituation of Mr. Jackſon to his brother.* Why did he, if he conceived his brother likely to concur to the full extent of that criminal purpoſe, conceal the true character of this perſon? that he did ſo is proved beyond a doubt. Mr. William Stone, therefore, had no cauſe to ſuſpect criminal intentions in Mr. Jackſon, from his aſſuming the character of an American merchant, becauſe William Stone never knew that he poſſeſſed any other character.

But

But further; the next circumſtance, from which it is inferred that Mr. William Stone muſt have known the criminal purpoſes of Mr. Jackſon, and if he did not to the full extent know them, he cannot be affected by them. The next circumſtance, from which that is endeavoured to be inferred, is the privacy and concealment which Mr. Jackſon affected in London, and with the knowledge of Mr. Stone, when he went to Ireland; to wit, by wiſhing his letters to be addreſſed to other perſons than himſelf, by conducting himſelf with ſome circumſtances of apparent concealment (though you find it is not much while in London, and none that could be obſervable by Mr. Stone) and by deſiring letters in Ireland to be addreſſed to him by another name. Theſe are circumſtances which have been relied upon, on the part of the proſecution, to ſhew that Mr. Stone muſt neceſſarily (and, unleſs it ſhews that, it ſhews nothing affecting Mr. Stone) have known before Mr. Jackſon went to Ireland, the criminal purpoſes for which he viſited that Country.

Now is that a fair concluſion? Let us look at the evidence of Mr. Cokayne—Mr. Cokayne, who was the intimate friend of Mr. Jackſon, who knew who Mr. Jackſon was (which Mr. Stone did not) who was an old and confidential friend of Mr. Jackſon, though afterwards employed as a ſpy of Government againſt him; Mr. Cokayne, the very perſon to whom, upon his firſt landing in England, without any previous communication, he gives Mr. Clarke, the Captain of the veſſel, the addreſs for his letters to be ſent. That Mr. Cokayne, the confidential friend of Mr. Jackſon, the confident afterwards of his moſt criminal purpoſes when in Ireland; even that Mr. Cokayne, under theſe circumſtances of confidence with Mr. Jackſon, has poſitively ſworn (and he is a witneſs adduced by the Crown as deſerving of belief, otherwiſe he ought not to have been adduced at all) Mr. Cokayne poſitively ſwears, that notwithſtanding all that intimacy, though he was the perſon to whom Mr. Jackſon's letters were to be addreſſed, and not Mr. Stone (which is not a little material) though he was the perſon who was to addreſs Mr. Jackſon's letters for him; he poſitively ſwears, that to the moment of Mr. Jackſon's leaving this King-

dom, in which journey he himſelf accompanied him, he never knew, or ſuſpected, that purpoſe of Mr. Jackſon for which he was tried and convicted in Ireland; that he never knew, or ſuſpected, that Mr. Jackſon was an emiſſary of the French Government, for the purpoſe of procuring intelligence to facilitate an invaſion of that Country. I aſked Mr. Cokayne directly, whether previous to his going to Ireland, he ever knew any thing of Mr. Jackſon's purpoſe in going to Ireland, and for which he was afterwards tried and convicted. He poſitively ſaid he did not. But Mr. Cokayne's evidence goes further upon this part of the caſe; for it ſtates why Mr. Jackſon appeared in England, and at London, under circumſtances of concealment; it ſtates why he had his letters addreſſed either under names fictitious, or to other perſons.

Lord Kenyon. Brother I am ſorry to interrupt you, if I have made any miſtake in my notes I will correct it. His anſwer, as I have taken it, was—" I did not know the purpoſe of his " journey to Ireland before I went to Ireland."

Mr. Serjeant Adair. Your Lordſhip has taken it verbatim, I believe; my ſtatement is, that while in England, Mr. Cokayne, his confidential friend, did not know the purpoſe for which he went to Ireland. You ſee at once, Gentlemen, what the inference from that is, as to probability, unleſs the contrary is ſhewn by the evidence; Mr. Cokayne was a great deal more likely to know it than Mr. Stone; Mr. Cokayne, who knew Mr. Jackſon's real character, who knew he was not what he called himſelf, an American merchant; Mr. Cokayne, who was in ſuch habits of friendſhip, as to be the perſon to whom, immediately upon his landing, he directed his letters to be addreſſed, he was infinitely more likely to know Mr. Jackſon's real deſigns, while in London, if any body in London had known them, than Mr. Stone, to whom he was a total ſtranger, and to whom his real character was never known, as far as appears upon the evidence. Then Mr. Cokayne furniſhes us alſo with evidence of the reaſon of Mr. Jackſon's affected concealment; why he did not chooſe to appear in London, why he had his letters addreſſed to Mr. Cokayne, and addreſſed in

feigned names; he desired me, says he, to direct his letters, *that his being here might be concealed from his creditors.* And Mr. Cokayne had before stated, that he had left the Country on account of debt. It was, therefore, essential to Mr. Jackson, that his being in England should not be known to his creditors, and with that view it was that he desired Mr. Cokayne to address his letters.

Gentlemen, I will beg to recal your attention to the object, to establish which I was observing upon the evidence of Mr. Cokayne; it was to shew, that it is manifest from his evidence, that he, who was much more intimately acquainted with Mr. Jackson; that he, who had much greater opportunities of the confidence of Mr. Jackson, never entertained the least idea of the object for which he went to Ireland, during the time that he remained in England; and during, therefore, the only time in which Mr. Stone had an opportunity of learning it, otherwise than by letters; the whole of which letters have been laid before you.

I have also observed, upon the evidence of Mr. Cokayne, that it explained the reason of Jackson's desire of concealment; of his addressing letters to Mr. Cokayne, and in fictitious names, because he had left the Kingdom, on account of his debts, and had returned with a desire of concealment from his creditors; and that, therefore, fully accounts for a circumstance which was urged by the learned and able counsel, as tending to shew a knowledge that Mr. Jackson had come for some criminal and traitorous purpose. I have, therefore, I think, pretty well established these two points from the evidence of Mr. Cokayne. I have explained away these two first circumstances, from whence the knowledge of Mr. Stone was attempted to be inferred. I have also shewn that John Stone never chose to communicate to his brother the secret, and from the whole of his correspondence, he never, in fact, did communicate to Mr. Stone the secret of who Jackson was, but represented him to this gentleman in the character in which he appeared, namely, as an American merchant; a character assumed for the purpose certainly of concealing who he was from Mr. William Stone, who never knew him under any other description.

I proceed to ſtate that Mr. Cokayne's evidence goes ſtill further, and is ſtill more material, becauſe Mr. Cokayne ſtates that Mr. Jackſon, though he did not communicate to him the traitorous purpoſes for which he went to Ireland, communicated to him the wiſh of eſtabliſhing ſome mercantile connections. Mr. Cokayne has ſtated further, that Mr. Jackſon aſked him if he, Mr. Cokayne, knew any merchants who could aſſiſt in providing proviſions and other neceſſaries for France, on which he (Mr. Jackſon) might have commiſſion to any amount.

Now, Gentlemen, I draw two concluſions from this part of Mr. Cokayne's evidence. Firſt, that Mr. Jackſon repreſented himſelf to him, his confidential friend, as coming to England for the purpoſe of eſtabliſhing certain commercial connections, from which he expected to derive a benefit, whether licit or illicit. That, therefore, it is not colourable, to apply the purpoſes for which Mr. Jackſon would appear to Mr. William Stone to have come to London; the quantity of buſineſs which Mr. John Stone repreſents Mr. Jackſon would have occaſion to conſult him about, and the propoſitions which Jackſon was to make to William Stone;—to apply them, in truth, to theſe commercial connections, whether lawful or unlawful, whether of a praiſe-worthy or a blameable nature, for which Mr. Cokayne his friend underſtood him to come to London. That is the firſt inference I drew from that part of Mr. Cokayne's teſtimony; and it is a fair inference, becauſe not only John Stone ſtates in his letters the number of projects in which he was engaged, and in which he was ſoliciting his brother to concur, (therefore there are a number of propoſitions which Mr. Jackſon might have to make upon that ſubject to Mr. Stone) But Mr. Cokayne ſtates that Mr. Jackſon ſaid his purpoſe in London was to eſtabliſh commercial connections there, and afterwards more diſtinctly to eſtabliſh theſe commercial connections, in one inſtance at leaſt, for a purpoſe certainly not praiſe-worthy or lawful.

But there is a ſtronger concluſion ſtill to be drawn from this ſame part of Mr. Cokayne's evidence, which is, that Jackſon, ſtating ſuch to be his object in London, aſks Mr. Cokayne, an attorney,

attorney, if *he* knew of any merchant who would aſſiſt in that tranſaction. Now, if Mr. Stone had been the confidant of all his treaſonable purpoſes—if Mr. Stone had been made acquainted with every thing that he intended to do, what occaſion had he to conſult Mr. Cokayne, an attorney, to aſk him whether he knew of any merchant who would aſſiſt him in that improper enterprize—of ſupplying proviſions to France. That Mr. Jackſon, recommended to Mr. William Stone by his brother, urging Mr. Stone to a concurrence to a certain extent in theſe projects of commercial advantage, lawful or unlawful, without regarding much, as it appears, whether the one or the other—under theſe circumſtances, that Mr. Jackſon could (if he had had that confidential intercourſe with William Stone, which muſt be imputed to him to ſupport one tittle of this indictment) be driven to the neceſſity of aſking Mr. Cokayne if he knew of any merchants who would aſſiſt in that tranſaction, is abſolutely impoſſible to believe. He himſelf knew a merchant, and that was William Stone; he knew he had no occaſion to apply to any body elſe, but the perſon he was addreſſed to by his brother. But inſtead of that, having been a conſiderable time in London, conſulting with Mr. Cokayne, telling him the purpoſe with which he came to London, he aſks him—Do you know any merchant who will aſſiſt in that tranſaction? This is, as far as the nature of the caſe admits, proof poſitive from a witneſs on the part of the Crown that Mr. Jackſon had unſucceſsfully communicated that part of his purpoſe to Mr. Stone; and had not found a readineſs in Mr. Stone to concur even in that unlawful project; or it is impoſſible he ſhould be driven to the neceſſity of conſulting an attorney, whether he knew of any merchant who would engage in that intercourſe, if Mr. Stone was that merchant, who knew all his illegal purpoſes, and concurred in them, and who would be glad to ſhare in all thoſe advantages which he propoſed.

Gentlemen, I ſay this is proof poſitive to the underſtanding of any man of common ſenſe, that Mr. Jackſon (whatever diſcoveries he made to Mr. Stone) muſt have failed in his purpoſe with reſpect to that gentleman, or he would never have been

driven to the neceſſity of conſulting Mr. Cokayne on a buſineſs quite out of his line. Mr. Stone was a perſon who had commercial connections, and might have found out (if ſuch were to be found) perſons capable of aſſiſting in ſuch a tranſaction. This carries conviction to my own mind, I truſt it will be the ſtrongeſt conviction to yours, that Mr. Jackſon muſt have failed, even in that part of his criminal deſign, with Mr. Stone, or he would not have made that application to Mr. Cokayne.

There is another, and that is the laſt obſervation I ſhall have occaſion to trouble you with, upon this very material evidence of Mr. Cokayne: ſhort as it was, it ſeems to do away, in a great degree, any cloud which I have hitherto obſerved that they had been capable of throwing upon this caſe; and to render it unneceſſary for me to go at large into many of the points, which otherwiſe might have been neceſſary; for he ſtates this in the concluſion, after all that I have obſerved upon—" Mr. Jackſon " told me, the purpoſe for which he came to England was not " likely to ſucceed, and he muſt go to Ireland."

Now, Gentlemen, ſee what is the effect of that.—What was the purpoſe for which Mr. Jackſon came to England, as far as Mr. Cokayne was privy to it, while Mr. Jackſon was in England? It was to eſtabliſh an illicit trade, for ſupplying the enemy with proviſions: he had failed in that purpoſe in England. Why had he failed?—Becauſe the merchant to whom he had been addreſſed had declined being concerned in that unlawful tranſaction. There is no other account to be given of it; for he would not have failed, if Mr. Stone had been a willing accomplice in that plan. Mr. Stone was employing an immenſe quantity of ſhipping, in an extenſive trade, and in a trade that, of all others, requires the greateſt number of ſhipping, at the time. If Mr. Stone, from covetouſneſs, or from adherence to the King's enemies, had wiſhed to concur in a project of that kind, Mr. Jackſon, after having ſpent five or ſix weeks in London, had no reaſon ultimately to complain to Mr. Cokayne that he had failed in his purpoſe in England, and for that reaſon muſt go to Ireland: that is the import of his evidence, if you ſuppoſe that to be the purpoſe for which he came to England.

If

If, on the other hand, you ſuppoſe the purpoſe he came to England to be to obtain information reſpecting an invaſion, with a view of facilitating the landing of the enemy, that alſo *had failed*; and we ſee it had failed *by the means of Mr. Stone.* So that, which ever way you put it, whether you refer it to the illicit deſign of ſupplying the enemy with proviſions, or to the much more criminal purpoſe of ſupplying them with intelligence, in order to *facilitate an invaſion*—which ever of theſe purpoſes you apply it to, he had failed through Mr. Stone.—Mr. Stone had done that act, which decided that it would be a vain attempt. Mr. Jackſon ſeems in a ſubſequent letter, which was intercepted from him going abroad, ſtill to entertain the idea of ſuggeſting ſome kind of invaſion to the enemy. Yet Mr. Stone had defeated him in that purpoſe, and rendered it impoſſible that that project could be undertaken, by the repreſentation which he had given upon that ſubject; and the object for which he gave it will be hereafter for your conſideration. I therefore think, there never was in a few lines, in a quarter of a ſheet of paper, more material evidence given for a priſoner than Mr. Cokayne's.

This evidence, therefore, has given a full anſwer to many of the ſuſpicious circumſtances, from which the Attorney General wiſhed you to infer Mr. Stone's knowledge of the true character of Mr. Jackſon, and of the true purpoſes with which he came to England, and for which he went to Ireland. I think it has completely explained and done away any inference that can ariſe from any of theſe circumſtances.

The next circumſtance that has been adduced, has been the ſupplying Mr. Jackſon with money upon his departure. Now, that cannot be a criminal act, unleſs you ſuppoſe it to be ſupplied for the traitorous purpoſes which are charged in this indictment; I mean it cannot be a criminal act within the purview of the preſent indictment; for I agree with my honourable and learned friend, the Attorney General, that it might poſſibly have been conſidered as an illegal act, and therefore in the eye of the law a criminal act too, under the traitorous correſpondence bill, which prohibited the advancing a ſupply of money to perſons who have been reſident in France. That it might,

perhaps,

perhaps, in ſtrictneſs, have ſupported a charge upon that act, may poſſibly be the caſe; but that it has any relation to this charge, unleſs that money was advanced in order to further and aſſiſt the treaſonable practices of Mr. Jackſon in Ireland, I perfectly know cannot be ſupported. Let us, therefore, ſee what Mr. Stone's motive in this was, and under what circumſtances he did it, and what was his conduct in reſpect to it afterwards.

This gentleman, to whom Mr. Stone ſupplies this money, comes with a recommendation from his brother; and, whatever I might think of his character and conduct—whatever might be his character and conduct in France, it is manifeſt Mr. Stone retained a brotherly affection for him. He had deep concerns in point of intereſt in commerce with him; whoſe demands and requiſitions with reſpect to money (excluſively of the poſitive law which had been then but recently paſſed) he was bound, by every principle, not only of affection, but of honour and honeſty to comply with. Mr. Jackſon brought from that brother a credit to a limited amount, accompanied with a ſtatement of the account, which has been read in evidence, which appears to be in truth money really due from Mr. John Stone to Mr. Jackſon, for the payment of which he gave an order upon his brother.

What, therefore, are you to infer from the conduct of Mr. Stone?—that he, from the beſt and moſt honourable motive in the world, paid the debt of his brother; which, independent of the poſitive proviſions of the law, he was bound upon every principle of honour and honeſty to do, from affection to his brother, regarding his credit; attending to the ſituation of the man whom his brother had repreſented as his friend, he paid that debt—imprudently undoubtedly, if he had recollected the proviſions of the act I ſtated.

But, Gentlemen, there is another obſervation upon that account, which is by no means immaterial.—Is the credit given by Mr. John Stone, in its nature and extent, any thing ſavouring of that kind of credit which is given to a ſpy, an emiſſary of the Government of a great Kingdom, coming for treaſonable purpoſes? We have had evidence on other trials for High

Treaſon

Treaſon of the ſpies from foreign enemies, by which it has appeared, that they have abounded in money, and were enabled to ſpend thouſands upon thouſands. If the political purpoſes for which they are ſent requires it, their credit is unlimited, or to an immenſe extent. From the nature of their miſſion it muſt be ſo; and I believe there never was an inſtance of a ſpy for the Government of a powerful Country, known to be ſuch by the perſon giving him credit, limited to the amount of a ſmall debt due to the perſon who gives the credit. That is the ſtrongeſt proof that this money never was intended for the purpoſe of furthering treaſonable deſigns, or enabling Mr. Jackſon to conduct himſelf ſucceſsfully as a ſpy of the French Government. The evidence is totally contrary to any that ever was given againſt a ſpy for the Government of a great Kingdom.

This being the nature of the tranſaction, was there, in that credit given to Mr. Jackſon upon William Stone by his brother, to the limited amount of a ſmall debt, any thing that could lead William Stone to ſuſpect it was intended for treaſonable purpoſes?—It is impoſſible that the mind of man can conceive that there was. Then, if, from the nature of the tranſaction itſelf, Mr. Stone had not the leaſt ground to ſuſpect, in the moſt remote degree, that the object of that credit was for any treaſonable purpoſe, what was his conduct when apprehended?—Inſtead of wanting to conceal this tranſaction, he is eager to diſcloſe it. They knew nothing of this receipt, but in conſequence of ſomething which they did not give in evidence; but the witneſs ſaid very properly (keeping within the bounds of the rule of evidence) in conſequence of ſomething, the witneſs ſaid, which paſſed before the Privy Council. They went with the priſoner to his counting-houſe; there he aſſiſted in the ſearch for the papers; and expreſſed the greateſt pleaſure and ſatisfaction when theſe papers, which are now produced here againſt him, were found.

Now, had Mr. Stone at the time been conſcious, that this was a credit given to Jackſon as a ſpy, to enable him to carry on traitorous purpoſes in another Kingdom, this was the firſt paper that Mr. Stone would have deſtroyed. He would have *ſwallowed*

it—

it—or done any thing with it, rather than have produced it in evidence; but inſtead of that, he expreſſed his gladneſs and ſatisfaction, becauſe he had reaſon to think that it would explain any part of his conduct, which might be liable to ſuſpicion on the part of Government; and he truſted (I believe he truly truſted) to the candour and fairneſs of Government, that if they found that this was a *bona fide* advance, to the creditor of his brother, for a ſmall debt, at the requeſt of his brother, that they would not proſecute him, on the traitorous correſpondence bill, for that offence. I believe he had a perfect confidence in the candour and generoſity of Government, and that he would not have been diſappointed, though the facts might have ſupported that proſecution.

I truſt, therefore, it appears clear to you that, up to the time of Mr. Jackſon leaving this Kingdom, Mr. Stone had no ground whatever, that appears in evidence before you, to ſuſpect what were the purpoſes of his miſſion. I have ſtated diſtinctly every one of the grounds that have been alledged as circumſtances that might have led him to ſuſpect it. I think I have explained them all, from the evidence that has already been laid before you; and I think I may draw this concluſion, " that up to the mo-" ment of Mr. Jackſon's leaving England, Mr. Stone had no " ground to know, or ſuſpect, his traitorous purpoſe in Ire-" land." Therefore we have, as far as the knowledge of Mr. Stone, as to Mr. Jackſon's purpoſes in Ireland, goes, carried the caſe as far as to Mr. Jackſon's departure from this Kingdom.

The next circumſtance, from which it is inferred that Mr. Stone muſt know the treaſonable purpoſes of Mr. Jackſon in Ireland, is, the correſpondence, if it may be ſo called, which paſſed between Mr. Jackſon and Mr. Stone, after Mr. Jackſon left England, and when he was in Ireland.—The correſpondence between Mr. Stone and Mr. Jackſon amounts *only to three letters*, two written by Mr. Stone, and one written by Mr. Jackſon: I ſay, the correſpondence between Mr. Stone and Mr. Jackſon amounts to only three letters; becauſe another letter, addreſſed to Mr. Stone by Mr. Jackſon, which has been read in evidence, never reached the hands of Mr. Stone, and therefore is

no

no part of the correſpondence that paſſed between the two parties; for, in a correſpondence between two parties, both muſt be actors, and implicated in the knowledge of that correſpondence.

Let us ſee the effect of theſe letters, which have been ſo much relied upon, in the correſpondence which actually did paſs between Mr. Jackſon and Mr. Stone. The firſt of theſe letters, which is Mr. Jackſon's letter to Mr. Stone, is the 5th of April. The looking for that letter brings to my eye another circumſtantial evidence, from whence the knowledge of Mr. Stone was to be inferred, concerning Mr. Jackſon, and that was the addreſſes left by Mr. Jackſon with Mr. Stone before he went to Ireland. Theſe are addreſſes to perſons with a croſs, a particular mark; theſe letters to be addreſſed to one perſon, and the inſide of the cover to another.

With reſpect to theſe addreſſes, it is only neceſſary to obſerve, that there was ſufficient ground to William Stone for caution and concealment, with reſpect to a correſpondence abroad, without ſuppoſing that he was conſcious of, or privy to, any criminal or treaſonable purpoſe whatever in this Country.—The ſituation of his brother abroad, made all correſpondence of that kind hazardous to his brother. You will find, in the letters of his brother, various intimations, in different letters, of the hazard of his letters not coming ſafe to his hands; complaints that ſome letters had not come to his hands at all; and particular intimations to be cautious: and, what is very material, in one of his brother's letters which was read, No. 10, that caution which his brother recommends to him is particularly directed to *money tranſactions*:—"You muſt be very guarded how you men-"tion money tranſactions; for, ſays he, though I have received "a great deal of attention and civility in that reſpect, yet I can-"not be ſure that my letters will not be open to inſpection."

There is another of his letters, which has been read in evidence againſt us, which ſtill goes to ſhew the caution uſed by John Stone. He tells his brother to inform Mr. Jackſon, he muſt not direct his letters any more to him, but muſt direct them to his friend Nicholas; ſo that the whole of John Stone's correſpon-

reſpondence tended to impreſs the mind of William Stone with the neceſſity, as far as reſpected John Stone, his brother, of uſing great caution in the tranſmiſſion of letters abroad. Then Mr. Jackſon gives him addreſſes, through which it is ſuppoſed he may ſend letters, with a certainty of reaching their deſtination. He alſo gives thoſe addreſſes for another purpoſe, of which Mr. Stone might be perfectly ignorant, and, as far as any evidence goes in the cauſe was,—for the purpoſe of addreſſing any letters that Mr. Jackſon might ſend to him, to be forwarded abroad, in order to ſecure them; the contents of which Mr. Stone might know as little of, if any ſuch had been ſent, as Mr. Cokayne ſaid he did about thoſe letters he addreſſed for Mr. Jackſon. Theſe addreſſes, therefore, upon which ſo much myſtery was thrown, form in truth no prominent feature in the caſe; and I do not wonder they eſcaped my recollection, till they caught my eye upon the ſame page with the letter I was going to ſpeak about.—Theſe addreſſes were found, and were in no degree concealed. If it were worth while to call the meſſengers back, I could prove that thoſe addreſſes Mr. Stone himſelf produced out of a book where the meſſenger never would have found them.

Gentlemen, I was going to ſpeak upon the correſpondence between Mr. Jackſon and Mr. Stone; the letter of Mr. Jackſon, of the 5th of April, to Mr. Stone, which is ſigned Thomas Popkins. The reaſon of the feigned names, as to Mr. Jackſon, is pretty obvious from Mr. Cokayne's evidence. Mr. Jackſon had creditors in England, and probably in Ireland, which was his native Country. Mr. Jackſon wiſhed to be concealed from thoſe creditors; Mr. Jackſon, therefore, (manifeſtly for that purpoſe) did not chooſe to put a letter in the poſt-office, in his own name: he therefore aſſumed a fictitious name. No doubt his intentions in Ireland were ſo criminal, as to make it an important object to him to conceal his name; however, his being in debt was a reaſon that ſatisfied the mind of Mr. Cokayne, up to the time when he left England. For the ſame reaſon, Mr. Stone's letters not having reached his brother, ſigned with his name, Mr. Stone does not make uſe of his own ſignature, but reverſes his name. Then

let

let us ſee what the correſpondence, under theſe two ſignatures of Popkins and Enots, are.

Mr. Jackſon begins firſt with a general apology for not writing. Then he ſtates the reception he had met with in Ireland. He ſays, " ſome very excellent friends to whom I owe moſt ſingular " obligations, being apprized of my arrival, have endeavoured to " render me ſervice, and were their power equal to their wiſhes, " I am confident I ſhould experience the benefit of their good " intentions; accepting as I do the will for the deed, they have a " claim on my gratitude."

Now ſurely there is nothing in this firſt paragraph, that could lead Mr. Stone or any man alive, unleſs he had known it before; there is nothing in this paragraph, that could lead him to ſuſpect, any treaſonable purpoſe in Mr. Jackſon. I have he ſays met with a kind reception from " friends to whom I owe " moſt ſingular obligations, being apprized of my arrival, have " endeavoured to render me ſervice, and were their power " equal to their wiſhes, I am confident I ſhould experience the " benefit of their good intentions." There is nothing in any one of theſe expreſſions, that any man alive would apply to a treaſonable conſpiracy, if they did not know it before; ſtill leſs, if you will conſider that Mr. Cokayne has already proved an object to which it clearly muſt apply. For he has proved that Mr. Jackſon failing, (as I ſay through the negative of Mr. Stone) of eſtabliſhing theſe commercial connections in England, went to Ireland for that reaſon, as he told Mr. Cokayne. Suppoſe he had told Mr. Stone the ſame thing, he told Mr. Cokayne, it was natural for Mr. Stone to refer to that tranſaction, from which Mr. Jackſon expected to derive ſo much benefit, thoſe expreſſions which can relate to nothing which was not beneficial to himſelf Then he ſays, " I muſt requeſt you not to make uſe of any of " the addreſſes I left you, the price and nature of the articles " being entirely changed."

Moſt undoubtedly it is evident, to any man of ſenſe who reads this letter, that theſe words are *colourable*, and intended as a cloak. God forbid that I ſhould diſgrace my own underſtanding, or affront yours, by pretending to ſatisfy you that Mr. Jackſon meant

meant by theſe *articles of trade*, it is manifeſt he did not. " You " will have the goodneſs to encloſe your letters to me, under a " cover directed to John Cokayne, Eſq. and if you have any " letters from the family at Shields, which regard their affairs in " this Country, you cannot too ſoon encloſe them to me, as the " aſſizes at Cork are about to commence." Theſe words undoubtedly are alſo colourable; it is impoſſible for us to contend, nor do we believe, that theſe words related to an actual family at Shields, having buſineſs at the aſſizes at Cork. Why then what do they relate to? here too I am happy to remember (as I am always happy to appeal to my learned friend when I can) I am happy to remember, an expreſſion of my learned friend in his opening, when he was obſerving upon this very letter, " what " Mr. Jackſon meant by writing in that manner it is impoſſible " for my imagination to ſuggeſt,"—I think was the expreſſion of my learned friend.

Now Gentlemen I really might ſtop there. If it is impoſſible for the refined, the ſubtile and enlightened underſtanding of my learned friend, to ſuggeſt what Mr. Jackſon meant by that letter, it is rather too much to call upon you, to infer what he meant, in order to affect the life of the priſoner. Ingenuity ought not to be applied, to extracting ſuch meanings, and ſuch inferences. But no ingenuity can extract that meaning, becauſe no ingenuity can refer thoſe expreſſions, to any ſpecific treaſonable deſign whatever. And however enigmatical, however myſterious they may appear, they muſt be referable to ſome ſpecific treaſonable deſign, entertained between the writer and the perſon to whom they were addreſſed, before they can at all affect the life of the priſoner at the bar. I will therefore defy, and I throw out the challenge, not in a reply at the concluſion of the cauſe, not when nobody is capable of anſwering me, but I throw it out, when I know I am to be anſwered by a gentleman of the moſt reſpectable abilities,—I defy any man to apply theſe enigmatical expreſſions, diſtinctly and to your ſatisfaction, to any ſpecific treaſonable purpoſe whatever.

But let us ſee now, as far as we can, what they pretty plainly mean. I am very ready to ſtate, that from this, and from Mr. Stone's

Stone's anſwer, by the *family at Shields* I underſtand *ſome perſons in France*, and the reaſon of my ſo underſtanding this, I will ſtate when I come to Mr. Stone's letter. Now, giving that conſtruction, which is I preſume the conſtruction for which they contend, I will read the letter—" I requeſt you not to " make uſe of the addreſſes I left you, the price and nature of " the articles being entirely changed," which I ſuppoſe to refer to the addreſſes given in evidence, (and I am now giving every ſuppoſition the proſecutor can call for) " the price and nature " of the articles being entirely changed"—what is the meaning of that—there had at that time happened one of thoſe many convulſions, that were continually happening in France, in conſequence of that miſerable revolution, which had taken place, (for ſo *I* ſhall always call it, whatever the opinion of *others* may be) there had at that time happened a convulſion at Paris, which changing the hands of power, might render theſe directions which would have made the letters reach their deſtination, whether their import were of a private nature, or otherwiſe, ſafely, while the departments of Government, were adminiſtered by one ſet of perſons, and which would have cauſed theſe very directions to be intercepted in the hands of others; and therefore the caution not to uſe any of thoſe directions, connected with the context of this paſſage, refers to an apprehenſion, *not of their being intercepted here*, but *abroad*. The danger apprehended was from the circumſtance of the Government being conceived to be ſo changed, that thoſe addreſſes might be leſs ſecure abroad than they were, not that they might be leſs ſecure here, for that is impoſſible to contend, " If you have any letters from the " family at Shields which regard their affairs in this Country, " you cannot too ſoon encloſe them to me, as the aſſizes at " Cork are about to commence," what is the particular and preciſe meaning of that, I agree with my learned friend the Attorney General I cannot explain, nor conjecture; but I defy any man fairly to apply it to any ſpecific purpoſe charged in this indictment, or deſign entertained by Mr. Jackſon himſelf, much leſs by Mr. Stone.

Now we will ſee Mr. Stone's anſwer—Mr. Jackſon having,

as I ſtated to you, aſſumed the garb of concealment in London, for the reaſons I have pointed out; Mr. Stone begins at firſt with an expreſſion, natural to a man who had been addreſſed by a friend of his brother's, ſaying that he was happy Mr. Jackſon found himſelf ſo agreeably ſituated where he was. He ſays he has received no letter *for him*, but the day after he left him, he received one to ſay that Mr. Jackſon's firſt letters were received. Now what theſe firſt letters of Mr. Jackſon's were, what their purpoſe was, we do not know; what their purpoſe was *Mr. Cokayne who directed them does not know*; much leſs can Mr. Stone be ſuppoſed by any evidence in the cauſe to know. But all that Mr. Stone ſays is, he received a letter ſaying that Mr. Jackſon's firſt letter (about the contents of which *we* are as ignorant as he, and *he* as ignorant as we) was received. "I "have received another ſince in which mine was acknowledged, "which I wrote the poſt after Gillet was with us, but no "mention was made of any other."

"I have not made uſe of what you left with me; what a "wonderful change there is in the family!" now it is this, and what follows that leads me to be convinced that it certainly alludes to perſons in France—to the convulſions which then had taken place in Paris—"will it tend to any good?" to what good? it might tend to good to this Country as well as to France; it might tend to good to France, without injury to this Country; it might tend to the good of all mankind if there was a change in that Country for the better. There is nothing therefore in that paragraph, from whence the leaſt criminal idea can be imputed to any man alive. "I confeſs I think better of it now than before," ſo ſhould I, becauſe it would have been impoſſible for me to have conceived that any change could be for the worſe. That any Government ſhould be worſe than that, which was ſubverted by that convulſion, and on every convulſion that has taken place in Paris, though they have gone from bad to worſe, yet I ſhould have thought better of the proſpect than before, from any change of any kind, or deſcription—"I want what you poſſeſs, "a knowledge of the ſeveral branches of it, to form a proper "judgment of their conduct in the laſt fracas,"—now though

Mr.

Mr. Stone, judging as I ſhould have done, that any change was likely to be for the better, he does not rely upon that judgment entirely, but ſays he wants what Mr. Jackſon poſſeſſes, who had been reſident in France, and had a knowledge of the Government there, in order to form a proper judgment of their conduct in the laſt fracas. I have no difficulty in underſtanding Mr. Stone's letter, becauſe he appears to have had nothing to conceal; as I ſhall ſhew preſently in obſerving upon the ſubſequent parts of his letter.

You ſee Mr. Stone, in anſwering the letter of Mr. Jackſon, has made uſe of the ſame ſtyle with Mr. Jackſon, and the ſame alluſion (certainly a fictitious one) of the family. He takes up the expreſſion of *the family*, and ſpeaks *at firſt* of the French Government under that name. But Mr. Stone, having nothing to diſguiſe upon the ſubject, having nothing that he wiſhed to conceal, and not caring (when he reflected a moment) who ſaw what he wrote upon the ſubject, or who underſtood it, he immediately tranſlates what he had ſaid before, if the ſenſe had been doubtful; for I appeal to your underſtandings, whether the next paragraph is not a direct tranſlation of theſe enigmatical expreſſions, for theſe expreſſions merely mean the change that had taken place, the convulſion which had happened in Paris, of which he aſks whether it would tend to good?—he now ſays in plain Engliſh, " Political affairs ſeem taking a ſtrange turn—if " we take into our view the great whole—I ceaſe to wonder at " any thing—we ſeem I think to be the only party reſolved " to go on with vigour," pretty true at that time, I am afraid; and the conſequences were felt afterwards. " The " King of Pruſſia publicly avows his diſinclination, and I think " the French, as well as the Emperor ſhew it by their inaction. " But to what can the proſcription now going forward in Paris " tend?" This is exactly the ſame as was ſaid, in enigmatical expreſſions, before. " Will it purify them and make their con- " duct leſs exceptionable?" that ſhews Mr. Stone's idea of their former conduct, was the ſame as yours, and mine. " Will it " purify them and make their conduct leſs exceptionable, and " their Government more fixed and permanent? I really feel a

" kind of awe in thinking on thoſe ſubjects, and ſee every day " new matter to aſtoniſh me," who is there that did not concur in *that feeling* at *that moment?* that did not feel an awe, when thinking on thoſe tremendous convulſions, that were threatening all the Governments of Europe, and did not feel every day new matter for aſtoniſhment?

Is there one tittle of High Treaſon in that letter? Is there one tittle, which the moſt ſubtile imagination of a proſecutor, can torture into a knowledge, an avowal, a participation, much more into *aſſiſting* in *any treaſonable purpoſe* whatever, much leſs the treaſonable purpoſe contained in this indictment? I am ſure my learned friends, will not attempt by any ingenuity to ſtrain it further than what appears to them the fair interpretation. But, is it poſſible for any men, if they felt themſelves at liberty to play the advocate, as if it were a civil cauſe, to torture thoſe expreſſions; is it poſſible to apply them, either to a knowledge, or concurrence, in any treaſonable purpoſe upon earth? The utmoſt they amount to is to ſhew that there was ſome degree of myſtery between Mr. Jackſon and Mr. Stone. To raiſe a general cloud, of indefinite ſuſpicion, which may add weight to preciſe evidence, when preciſe evidence is given. But God Almighty forbid, that ever an Engliſh Jury, that ever any Court of Criminal Juriſdiction, in this, or in any Country upon earth, ſhould from a general indefinite ſuſpicion, raiſed by ambiguous expreſſions, or conduct that cannot, from the nature of the caſe, be diſtinctly and ſpecifically explained; affect a man upon trial for his life; without preciſe and diſtinct evidence to bring home both the *act*, and *intention* of the crime, for which he is ſpecifically charged; that ſuch inference as that cannot be drawn from this evidence, I leave with confidence to your judgment.

The only remaining letter of that correſpondence I ſhall make this ſingle obſervation upon—it is *two lines* addreſſing a letter, which has been read, ſigned N. M. to Mr. Jackſon in Ireland, addreſſed to him by Mr. Stone, without *any comment*, without any obſervation whatever: merely telling him that he had a letter encloſed in that cover, of the contents of which there is not one tittle of evidence, that Mr. Stone had the ſmalleſt knowledge.

Whatever

Whatever theſe contents were, if they contained the fouleſt Treaſon that ever entered into the heart of man, and were ever ſo directly applicable to the Treaſon as applied to Mr. Jackſon, no man alive, who regards the adminiſtration of juſtice, would ever affect Mr. Stone with the contents of that letter perſonally, unleſs there were evidence before you that *he* was *apprized* of its contents—there is *no ſuch evidence* before you, and therefore I ſhall not waſte your time, nor exhauſt my own ſtrength, by commenting upon the expreſſions of a letter, with the contents of which Mr. Stone *had nothing to do*, being merely addreſſed by him to Mr. Jackſon—coming to the hands of Mr. Jackſon, whoſe conſpiracy it is neceſſary to prove, that letter was read as legal evidence, in the cauſe, and I did not object to the reading of it. But when read, it is your duty to draw the inference from it; and I defy you conſiſtent with the duty you owe your Country, and the priſoner, to draw any inference affecting his life or honour. From the contents of any letter—and this obſervation goes to almoſt all the reſt of the evidence—from the contents of any letter, which it is *not proved he was ever informed of.*

That laſt obſervation, which I truſt I need not urge to any man, either of common feeling or of common ſenſe, leads me to ſtate to you why I confine the correſpondence of Mr. Jackſon and Mr. Stone to three letters, when more have been read. It is, becauſe there are only theſe three letters, and in theſe three letters I include the *two lines only* written by Mr. Stone which are proved, by any evidence to have come to the knowledge of Mr. Stone. But I go further—*all the reſt* are *diſtinctly proved, never to have come to the knowledge of Mr. Stone.* It is in evidence, that Mr. Stone never did, nor by any poſſibility could, know one word of the contents either of the letter of the 21ſt of April, written by Mr. Jackſon to him; or of any of the letters which were ſent by Mr. Jackſon abroad; becauſe, as to *that* ſent *to Mr. Stone*, and as to ſome of them ſent by Mr. Jackſon abroad, they never reached the place of deſtination. They were intercepted at the Poſt Office—as to others, they did go abroad, without paſſing through the hands of any perſons in this

Kingdom, and were abroad by ſome means or other got at, and are now produced in evidence here, ſo that it is not left *doubtful* whether *Mr. Stone had any knowledge* of all that volume of paper which has been read; and which, for that reaſon, I do not trouble myſelf with obſerving upon, nor have I taken one tittle of that evidence in my notes; becauſe I feel a perfect conviction upon which I can ſecurely reſt the life and honour of that gentleman. I leave it in your hands; you will never ſuffer it to affect either the one or the other. The guilt of his accomplices, (though it is *a ſtep* of the charge againſt him) no honeſt man can apply *to him*, without proof that he had a knowledge of the tranſaction. With that obſervation I may ſafely leave *the whole of that evidence* which reſpects *the conduct of Mr. Jackſon in Ireland*—the letters that he wrote, and the papers that he ſent, except as to thoſe papers which he ſent, that are brought home to Mr. Stone by the evidence in the cauſe, which is the only thing now remaining for me to obſerve upon. I have hitherto ſtated the circumſtances from which the intention of Mr. Stone was to be collected—for all the evidence which I rely upon is of that nature, *not* pointing to theſe ſpecific acts of Treaſon, but tending to throw a general ſuſpicion upon Mr. Stone; in order to ſatisfy you, that the act upon which they rely for the Treaſon, which is *the information ſent of the ſtate of England*, was ſent *with a criminal* and *not an innocent intent*. The whole purview of the evidence I have been obſerving upon is of that nature; admiſſible at all only for the reaſon I have ſtated to you—affecting the priſoner, as far as the true import of the evidence goes, and as far as came to his knowledge, I alſo admit; but *not affecting him* as to that which *never came to his knowledge*—for of all things in the world *a man's* INTENTIONS *can be leaſt collected from that which he never knew.*

Having gone through all the written evidence, what was the act that he did? The act that he did was this—to give his own opinion, and to conſult perſons (not all of one party and perſuaſion, as you will find, but perſons in whom from acquaintance and eſteem he had a confidence) whether the true ſtate of England was not ſuch, as that a repreſentation of it might be made

uſe

uſe of ſucceſsfully, to defeat a purpoſe which from the letters of his brother, he had reaſon to believe was formed in France, of making an invaſion on this Country, the effects of which muſt have been calamitous, whatever might have been its ſucceſs. That is *the act* which *he did.*

Now having ſtated the evidence which tended to a ſuſpicion, that he did that with *a bad intent*, let us conſider the *circumſtances* which *accompanied that act.* Firſt, was there any ſymptom of *conſcious guilt?* Was it conducted, as dark plots and conſpiracies for Treaſon uſually are, againſt the Government of a great and powerful Country? Were private nightly meetings, held in the dark, and in ſecret places, with perſons well affected to the cauſe, and engaging in the ſame conſpiracy? Every feature of the caſe is diametrically oppoſite, to every thing that attends foul Treaſon, which is always acted in the dark. *Every ſtep* taken with reſpect to this act, which is the only one that imagination can ſtate, as a ſpecific act applicable to this indictment, was *public* in its nature, with a perfect conſcioufneſs of innocence, as far as that conſcioufneſs of innocence can be collected. He does not content himſelf with ſecretly aſking the opinions of his friends, and minuting them down for his own information, and for that of Mr. Jackſon; which, had he been engaged in the dark purpoſes of Treaſon, would have anſwered his object juſt as well—he could juſt as well have repreſented to the Government of France, or any body elſe, what the opinions of A. B. and C. were, without telling them why he aſked that opinion. He was under no neceſſity of laying himſelf open, to the knowledge of a variety of people, that he was collecting ſuch information, and the object with which he was collecting it; becauſe he could have collected that information, from every one of the parties, better without it. There is not one of the parties, from whom he collected this information, to whom, if he had mentioned it as a matter of converſation artfully and deſigningly, if he had ſaid "ſome people are apprehenſive of an invaſion, what do you think of it?" Is there any one of the gentlemen, who would not have anſwered that queſtion? There was no occaſion to give a clue to this conſpiracy. He had no one

motive for a diſcloſure. It was not neceſſary for his purpoſes, if theſe purpoſes were foul and dangerous. What is his conduct? Inſtead of acting in the dark, he acts publicly and openly in the day; he goes to perſons of high reſpectability in the Country, members of Parliament, gentlemen of fortune, many in oppoſition, ſome friends to Government; he not only aſks their opinion, but tells them *what he wants this opinion for*, and *means to do* with it.

He does that, which I think it is impoſſible to imagine, that any man (fit to walk the ſtreets, and allowed to take care of his own affairs) ſhould be ſuch a driveller as to do, if he was engaged in a dark and dangerous plot, and conſpiracy of the moſt malignant Treaſon; he *points out* to them *the very perſons with whom he is accuſed of confederating and conſpiring*. He tells them the fact, that an American gentleman was in London who came from his brother; that from his brother, he had received information of a deſign of invading this Country. He wiſhed to counteract it; and he thought it would contribute to that purpoſe, if he could ſatisfy them, that it was the opinion of reſpectable perſons, that that invaſion would not be countenanced by the People of this Country.

Is there any one of theſe ſteps he would have taken, if he had been conſcious he was acting a part, in a foul and dangerous conſpiracy? If there was nothing in the caſe but this, it would daſh down ten times the evidence that has been given in this cauſe; becauſe you are not to loſe all your knowledge of the nature of the human heart; you are not to ſuppoſe that men run, with their eyes open, into the fire which is to deſtroy them. You are not to imagine that a foul traitor, engaged in a treaſonable and malignant conſpiracy, ſhould *publiſh* to the whole City of London, ſhould publiſh at the Coal Exchange, as I will by and by prove he did, in the preſence of hundreds of people, the *very conſpiracy* in which he is ſuppoſed to be connected, the *very treaſonable purpoſe* he is ſuppoſed to be engaged in. Theſe circumſtances attending *the act*, which is the *only* act that can be adduced as an overt-act of any Treaſon againſt

Mr.

Mr. Stone; theſe very circumſtances *diſprove the intention* at the moment that they *eſtabliſh the fact.*

Gentlemen, the evidence that has been given on the part of the Crown, goes much further in behalf of the priſoner; for it not only proves that, which, by fair inference and argument, is abſolutely incompatible with the ſuppoſition of a dark, foul, and dangerous conſpiracy; but it goes further, for it proves, as far as human teſtimony can prove, the *intention* of Mr. Stone to be *directly the reverſe.* We have heard a thouſand times, and in a thouſand different places, from all authorities, high and low; from the Bar, from the Bench, from every perſon, who is uſed to conſider the effect of evidence, and the inferences to be drawn from facts and circumſtances, by the human mind, that we *are not* without the moſt clear and cogent evidence to prove it *to ſuppoſe a perſon's intentions to be diametrically oppoſite to thoſe which he profeſſes.*

Now to meet that vague cloud of ſuſpicion, which has been attempted to be thrown upon thoſe parts of the evidence, I have obſerved upon, as to the intention of thoſe acts upon which the fate of this indictment reſts, you have, proceeding from the witneſſes for the Crown, a large body of evidence to prove the *actual intention* with which the fact was done. You will ſee what theſe gentlemen, who have been examined on the part of the Crown, as neceſſary and proper to eſtabliſh this part of the proſecution, ſay upon this ſubject; beſides the openneſs and publicity of the tranſaction, upon which I have already obſerved, and which I ſhall prove by ſeveral more witneſſes.

Mr. William Smith tells you, that Mr. Stone ſaid, that his brother appeared much alarmed with an apprehenſion that the French intended to invade this Country. It will be ſaid, is there any thing in the correſpondence of John Stone, which ſhews that he was alarmed upon that ſubject? To which I anſwer, *there is*; for in one of John Stone's letters he ſays, he conceives that his brother, William Stone, may *correct* Mr. Jackſon's views. If theſe are his views, on commercial propoſitions, then it has nothing to do with this queſtion; if they are the views ſince imputed to Mr. Jackſon, then *correcting* thoſe

thoſe views was a *deſirable* object in the opinion of John Stone. But it goes much further—for in one of the letters, ſpeaking of a blank, which was *ſtated to mean an invaſion*, and which undoubtedly, from the context, did mean that; John Stone makes uſe of this expreſſion, that it may be *averted*. Do we talk of *a bleſſing*—of an event *we are wiſhing for* being *averted?* No; that is a term which already ſhews that, whatever John Stone's intereſt in France might be, whatever his connections with the people, exerciſing the powers of Government in that Country might be, whatever his deluded enthuſiaſm might lead him to, with reſpect to the poſſible effect of thoſe dreadful events, taking place there; he had not yet ſo wholly forgotten the Country in which he was born, as to look upon the *invaſion*, the carnage, and ruin of that Country, as a *deſirable event*. Becauſe he does make uſe of the expreſſions I have ſtated, which ſhews that his mind was not wrought up to the iniquity of wiſhing that calamity to fall upon his native Country; and, therefore, he ſpeaks of it as a *view to be corrected*. He ſays, he is alſo *alarmed* at the danger, to Mr. William Stone, and his family, ariſing from the effects which might enſue from that event.—That is another ground *of alarm*, of John Stone himſelf, independent of any other. That appears, from paſſages in two of his letters, where he adviſes him to ſell his property, apprehending the conſequences of that invaſion, if it ſhould take place. That ſhews, therefore, that it is a true repreſentation of William Stone, that John Stone *was alarmed* at the idea of an invaſion; he ſtates, in one of his letters to his brother, William Stone, that it would be advantageous if his repreſentation of the ſentiments of the people of England, reſpecting an invaſion, could be confirmed.

Gentlemen, I care not whether you underſtand that, as *advantageous to the Country*, or *to himſelf*, Mr. John Stone; becauſe it is manifeſt from other expreſſions, when he ſays, "that "communication was highly uſeful to me;" that he had, in France, always taken the part of diſſuading an invaſion of this Country. That is a fact that appears clearly, from whatever motive he might act. Mr. Smith ſays, that Mr. Stone,

the priſoner, expreſſed himſelf under a ſimilar alarm; and aſked his, Mr. Smith's, opinion upon that ſubject. Mr. Smith then put him in mind that he heard him expreſs his ſentiments. He then ſtated, that he had converſed with Mr. Vaughan upon the ſame ſubject, who told him, that he thought there could be no impropriety, in giving his brother that general information he wiſhed. That Mr. Vaughan had given him a paper, containing ſome of his opinions on that head; and Mr. Smith ſays he aſked *his opinion*. Mr. Smith generally obſerved, that he thought the opinions in that paper might be very true, or words to that purport; but that the expreſſions appeared to him in many points exceptionable; which undoubtedly they are. We are not anſwerable for the general political opinions of Mr. Vaughan, whether well founded or not, Mr. Stone is not to anſwer. For if there is nothing in that paper, that tends to excite the enemies of this Country, to any thing miſchievous to this Country, there is nothing *criminal* in Mr. Stone ſending it. But if, on the contrary, it anſwered the purpoſe of preventing that invaſion, then it was highly *meritorious*.

Mr. Smith, therefore, intimated that there were improper expreſſions, and adviſed Mr. Stone to be cautious. He ſaid, he did not mean to make uſe of the paper, if, on conſulting his friends, they ſhould adviſe him againſt it. He mentioned, at the ſame time, *the channel of communication*, which no man connected in a conſpiracy would have done; Mr. Jackſon, an American gentleman. Mr. Smith ſays, that he had only a common acquaintance with Mr. Stone, that this was communicated under *no confidence*, Mr. Stone knew that he was a member of parliament, and a man of property; and Mr. Stone ſaid, that "he "had mentioned it to ſome, and intended to mention it to "more."

Mr. Sheridan's evidence is ſtill more material on the head of intention, for he ſays, that Mr. Stone was introduced to him by Mr. Wilſon, deſiring to communicate to him ſomething that he thought would be highly eſſential to the ſervice of Government, and in a matter which he thought would be of great public ſervice. He then ſtated what you are already in poſſeſ-

ſion

ſion of—that he had the means of communication with his brother; that that communication was likely afterwards to reach the Government of France; and that the ſervice he could be of, would be undeceiving them in that particular; giving them a true ſtate of the Country, to convince them how little they could expect, of any thing like aſſiſtance or co-operation, from any deſcription of men whatever in this Country. He ſaid he conceived, and hoped, the conſequences would be, their abandoning a project evidently taken up upon falſe information, and that it was expreſsly ſtated to be for this purpoſe (which if it really was, whether diſcrete or imprudent, proper or not, it was innocent as to this indictment) that he had endeavoured to collect the opinions of ſeveral gentlemen, political characters in the Country, whoſe opinions he thought would be of authority ſufficient to advance his object. That he then named ſome of the perſons, and, what is very material, he then named to Mr. Sheridan, a gentleman of high rank, and character, immediately connected with adminiſtration, the late General Murray, uncle to the Duke of Athol, who is ſince dead, and whoſe teſtimony, by that misfortune, we are deprived of. Mr. Sheridan ſaid, what every man of ſenſe would have ſaid, upon that ſubject, that it made a deep impreſſion on his mind, as to the fairneſs of Mr. Stone's intentions.

Then, Gentlemen, the ſame kind of evidence is given by Mr. Towgood, Mr. Rogers, and Lord Lauderdale, all of whom he communicated it to without reſerve, ſtating to them all, his channel of communication; the American merchant; every circumſtance; keeping back nothing; cloaking himſelf under no diſguiſe,—*All* of them *agree* that he made the communication without reſerve, ſelecting, as evidence for the Crown, thoſe gentlemen, who had not entertained a complete approbation, of every expreſſion contained in this paper.

The circumſtance of his having mentioned to General Murray; and, if it is neceſſary to go into much evidence on that head, I can add others connected with adminiſtration too; but the circumſtance of his having mentioned it to General Murray, and the ſituation in which that gentleman ſtood, before his death,

death, goes a great way to anſwer the only objection I have heard, with any thing like common ſenſe ſtated in this part of the caſe, and that is—Why did he not communicate it to Government? To that I am ready to anſwer, that he would have done *more wiſely* if he had. I ſhould have been one who would have given that opinion. I am not ſure, if there is any credit to be given at all to human teſtimony, that he would have done *more honeſtly*, though I think he would have done more wiſely. I think he would not have acted more honeſtly, if there is truth in this teſtimony, becauſe his object was to prevent the French from attempting an invaſion, and, by the evidence on the part of the Crown, you learn that, as far as prepared Government to counteract that invaſion—as far as they by any act could prevent it, he had already given that information, for, ſo early as in April, 1793, he had given diſtinct information to the Miniſter of the Country; he had given *true information*; for it conſiſted, as appears by the evidence in this cauſe, not only of the general intention in France, to invade this Country, but of *the very points*, to which he had received information, that they meant to direct that invaſion.

The Miniſter of the Country, therefore, had had near a twelve-months notice to guard againſt that intention of France, which Mr. John Stone ſtill continued to perſuade Mr. William Stone exiſted; and therefore Mr. Stone, having given Adminiſtration all that information, which was neceſſary for preparations for defence; which was neceſſary to defeat that expedition ſhould it be attempted; Mr. Stone was doing a meritorious act to *prevent the attempt itſelf*, for the reaſons I have already ſtated to you; becauſe the attempt itſelf, muſt have produced calamity to the Country, if made at all, however well prepared Government might be, from information previouſly given by Mr. Stone himſelf; and what, in the name of God, would lead him to give the Miniſter *true intelligence*—of this project, if he had a traitorous purpoſe to aſſiſt the French in the progreſs of this war?

But it is ſaid, "Why did he not give further information to the Miniſter?" Why, a further part of the evidence has been ſupplied by the Crown upon that point; for, upon reading that

letter

letter from Mr. Stone to Mr. Pitt, from whence it appeared that he gave important and true information, not only of the deſign of an invaſion, but of the points to which it ſhould be directed. Mr. Pitt's anſwer is read, in which, after thanking him for the communication he had made, he civilly declines any further communication on the ſubject. Mr. Pitt tells him there is no occaſion to give him any further trouble at preſent. What encouragement had Mr. Stone, from this anſwer of the Miniſter, to make further repreſentations to Government? He had told them the material facts; he had no encouragement to go further; he was not well received. The cloud that had been thrown over his brother's conduct, I do not blame the Miniſter for that, I think he was right; but the cloud that had been thrown over his brother's conduct, had procured a cold reception to the intelligence, important as it was, communicated by the gentleman at the bar. From that cold reception, and from Mr. Pitt's declining any further communication upon the ſubject, I ſay he had no encouragement to go to the Miniſter again; but he did the next thing to that, he communicated to General Murray, in the confidence of Government. If *he* thought it important, he could communicate it to the Miniſter, and it would, coming from him, be received not only with civility, but with attention. Coming from Mr. Stone, he had reaſon to ſuppoſe it would be again diſregarded.

Gentlemen, there remains, I think, but one other obſervation material upon the evidence that has been adduced by the Crown, and that is the compariſon that has been made of the extracts communicated by Mr. Stone to Mr. Pitt, with two of the letters from which they were extracted. The inference meant to be drawn is, that that was merely a colourable communication to Mr. Pitt, and that he kept back ſeveral of the material parts of theſe letters, from which extracts had been taken.

Now, if you have any doubt whatever in your minds upon that or any other ſubject, which I flatter myſelf you will not; but, if you think it neceſſary to take the trouble of reading through the whole of theſe letters, I believe you will find that he has not given riſe to any ſuch imputation, becauſe it is manifeſt

ſeſt that independent of the welfare of the Country, to which I will aſcribe confidently the communication of the letter of the 18th of March, (which is the only very important communication made to Mr. Pitt) the communication of the 18th of March ſubſequently confirmed and explained by Mr. Stone's letter of the 18th of April. Independent, I ſay, of this, Mr. Stone, in theſe other communications, was impelled by two motives; firſt, perhaps, a little affectation of importance of poſſeſſing great channels of intelligence, that might be uſeful to Government. My client will forgive me if I ſhould think ſome little vanity of that ſort might operate in his mind, perfectly innocent as it would be. But there is another more important object, which he thought it right to avail himſelf of, at the time when he communicated that letter, that he ſhould take that opportunity of acceſs to the Miniſter, to give him extracts of thoſe parts of his former correſpondence which appeared likely to ſet his brother right in the opinion of Government, feeling that regard for his brother which it was natural, which it was laudable for him to feel; if it did not carry him to the extent of doing any thing injurious to his Country, he thought it right to avail himſelf of that opportunity of communicating to Mr. Pitt extracts of ſuch parts of his letters as ſeemed to explain his ſituation, in the manner moſt favourable to John Stone, and to be moſt likely to ſet John Stone in a better light with Mr. Pitt than he ſtood before; and that will account (if you look at the paſſages left out) for their being left out, and not any view of concealing them to the injury of the public. When Mr. John Stone makes uſe of that improper, unpatriotic expreſſion, ſpeaking of the French Government by an Engliſhman, of "*them-*"*ſelves*," he ſtrikes *that* out, and puts "*the French*," giving the ſubſtance of the information, and altering only the expreſſion that would tend to prejudice his brother in the opinion of the perſon to whom that communication was made.

With reſpect to other parts of the events ſpoken of in the ſecond of theſe letters, which are not extracted, if you take the pains to look at them, you will find that theſe events are deſcribed in ſuch language as neceſſarily muſt give an unfavourable impreſſion

of

of the writer; and, therefore, it was not within the ſcope of his object, which, while it made the communication, was manifeſtly to exculpate his brother, to give theſe extracts which would have produced a contrary effect. But when you find that in the ſame encloſure with this, the whole important information is given relative to the invaſion of this Country, (the very information, the ſuppreſſion of which might have promoted that deſign Mr. Stone is accuſed of promoting) when you find *that* is *communicated* and *not kept back*, you cannot, whatever may be the reaſon of theſe reſerves in the extract, impute them to any deſign injurious to his Country.

Gentlemen, I have to apologize to you for the length of time I have taken; but I am ſure, that if you fancy yourſelves for a moment in the ſituation in which I ſtand, the anxiety which your minds would feel, leſt a gentleman in the unfortunate ſituation in which my client ſtands, ſhould ſuffer by any omiſſion of yours, would have induced you to have treſpaſſed as I have done upon you, in ſtating every fact and every obſervation that appeared to me either neceſſary or material, in order to eſtabliſh the innocence of my client.

I am ſure, had it been my own caſe, I ſhould not have thought it neceſſary to have troubled you ſo much. For, had it been my own caſe, had I ſtood in the unfortunate ſituation of that gentleman, poſſeſſing compoſure enough of mind to have put the evidence in this cauſe in the ſame light that I view it now, I think I could have ventured to truſt my own life, I dare not venture to truſt that of another man, in your hands, as the caſe was left on the part of the proſecution. For though there is a large body of evidence to ſupport the firſt ſtep of this proſecution to criminate Mr. Jackſon in a conſiderable degree; to criminate Mr. John Stone to a conſiderable degree, as to the propriety of his principles and conduct. I venture to ſay when you come to ſeparate this evidence, that of which the priſoner has *no knowledge*, from that of which *he has*, there is not one tittle of evidence which will authorize you to ſay, that any act done by the priſoner, was done *with a treaſonable intention againſt the Government of this Country.*

Gentlemen,

Gentlemen, for the reaſon I have already given, why I dare not omit any obſervation that occurs to me, ſo I cannot omit any evidence that it appears to me can have a poſſibility of tending to remove a doubt which the imagination of the moſt doubtful man can entertain upon the ſubject. I ſhall, therefore, lay before you evidence which will rather be in corroboration (ſo much has the evidence for the Crown been in favour of the priſoner) of that evidence than new evidence. I ſhall, therefore, call witneſſes, in addition to the five gentlemen called to the ſame point by the Crown, to ſhew you the publicity with which Mr. Stone at all times communicated the correſpondence of his brother in general; and, with which he communicated theſe papers in particular. Not only the papers, but the intention, and the uſe that was to be made of them without reſerve, upon the moſt public occaſion, to friends and to ſtrangers, on the Coal Exchange, publicly at noon day, in ſome inſtances; in all without reſerve; in all in a manner abſolutely and totally incompatible with a conſciouſneſs of the guilt of High Treaſon.

I will conclude then with calling witneſſes, as many as you will chooſe to hear, of the moſt reſpectable deſcription, to the character of this gentleman; all of whom I am told will concur in ſtating to you, that he is a man of a deſcription whom you will believe incapable of entertaining an abominable intention againſt his Country. A man, who (whatever his particular opinions may be with reſpect to the politics or parties of the hour, or with reſpect to the forms of particular Governments) is loyal to his King, and well affected to the Conſtitution of his Country.

I will conclude this long addreſs with which it has been my duty to trouble you with laying before you that character, and by obſerving that in the whole of the conduct of this gentleman every thing has tended to prove a conſciouſneſs of innocence, and a rectitude of intention. I am ſure, under the circumſtances the critical ſituation in which the Attorney-General has ſtated this gentleman to have been, you will ſuffer no imprudence or incaution, which is not accompanied with guilt to the extent of this indictment, to have any influence upon your verdict.

EVIDENCE FOR THE PRISONER.

Mr. Nathaniel Harris (ſworn.)

Examined by *Mr. Erſkine.*

Q. Do you know the priſoner at the bar, Mr. Stone?

A. I once was in his company, and only once.

Q. Do you remember his reading a paper?

A. I do.

Q. Do you remember the general purport of that paper?

A. I remember a part of the paper which was read. Being at that time fearful of an invaſion, I ſaid, I have always been averſe to this war, but I would wiſh to keep the French at arms-length; I hope they will not come here. In conſequence of which, he read a paper. The other part I do not recollect; but this I well remember—he ſaid in that paper, to the beſt of my recollection, it would be abſurd to make an invaſion when the majority of the people in this Country are againſt it; it would anſwer no purpoſe. When he had finiſhed the paper, I ſaid, I think you have done your Country a ſervice; and if Mr. Pitt or Mr. Dundas knew of it, I think they would thank you.

Q. Was this read publicly or privately?

A. In a private room. There were three ladies, and two gentlemen. I never ſaw Mr. Stone before, and but once ſince.

Q. Was this read under any injunction of ſecrecy?

A. No; it was only read in conſequence of my queſtion, to ſatisfy me as a timid man.

Mr. Attorney General. I have no queſtion to aſk this gentleman.

Mr. Robert Ward (ſworn.)

Examined by *Mr. Erſkine.*

Q. Do you know the priſoner at the bar?

A. Yes.

Q. What

Q. What is your ſituation?

A. I am a coal-factor.

Q. How long have you known Mr. Stone?

A. I think I may venture to ſay, ten years.

Q. Do you remember his reading a paper, or giving you a paper to read?

A. He did not give it me, I believe.

Q. Did you hear it read?

A. I have heard extracts from letters read.

Q. What has been Mr. Stone's character ſince you have known him? Was he a loyal ſubject?

A. I cannot anſwer generally to his character, only that I knew him in buſineſs; he was, in credit with me, perfectly ſo.

Mr. Attorney General. I have no queſtion to aſk this gentleman.

Mr. Samuel Toulmin (ſworn)

Examined by *Mr. Erſkine.*

Q. Do you know Mr. Stone?

A. Yes.

Q. Do you remember his reading at any time in your preſence, publicly, letters which he uſed to be in the courſe of receiving from his brother in France?

A. No, never.

Q. What was his character when you knew him?

A. Perfectly good.

Mr. Attorney General. I have no queſtion to aſk Mr. Toulmin.

Mr. Nehemiah Stokes (ſworn.)

Examined by *Mr. Erſkine.*

Q. You are a clerk, I believe?

A. Yes.

Q. In what houſe?

A. Down and Company.

Q. Do you know Mr. Stone?

A. I do.

Q. Have you ever had an opportunity of hearing him read, or have you had from him to inſpect yourſelf, any letters from his brother?

A. I do not exactly recollect the dates; but, ſince his brother has been at Paris, Mr. Stone has been in the habit of coming to our houſe; and he has repeatedly read thoſe letters in our counting-houſe. He has afterwards left the letters with me for a day or two, till he came again, and I have read them.

Q. Who does the houſe conſiſt of?

A. Richard Down, Henry Thornton,———

Q. Mr. Thornton, the Member of Parliament?

A. Yes. I have repeatedly aſked him whether he had any letters? He has ſaid, I have; here, you may take them, and give them me when I come again.

Mr. Attorney General. I have no queſtion to aſk this witneſs.

John Free, Eſq; (ſworn.)

Examined by *Mr. Erſkine.*

Q. Are you a partner in the houſe of Down and Company?

A. I am.

Q. Do you know Mr. Stone?

A. I do.

Q. Have you ſeen Mr. Stone, from time to time, ſince his brother has been in France?

A. I have.

Q. Do you know of Mr. Stone's having been in the courſe of correſponding with his brother, and receiving letters from him?

A. I have been informed ſo by him.

Q. Have you had any opportunity of ſeeing thoſe letters from time to time, or any of them?

A. I have.

Q. Have

Q. Have thoſe letters been read to you, or at any time left with you?

A. I have heard extracts read, and they have been left with me.

Mr. Attorney General. I have no queſtion to aſk Mr. Free.

Mr. George Thompſon (ſworn.)

Examined by *Mr. Erſkine.*

Q. Do you know the priſoner?

A. I do.

Q. How long have you been acquainted with him?

A. Twelve or fourteen years.

Q. Have you known him ſince the time his brother has been in France?

A. I have.

Q. Do you know, from him, that he had been in any correſpondence with his brother?

A. I underſtood that he was.

Q. Had you, at any time, any part of that correſpondence read to you, or in your preſence?

A. He has frequently read letters upon the Coal Exchange, which any body there might have attended to, if they were not otherwiſe buſy. I have ſometimes attended to them, ſometimes not.

Q. You have ſeen him reading theſe letters, in the moſt public manner, upon the Coal Exchange?

A. Yes; any body might attend that would; and thoſe who were not buſy generally did attend.

Q. The Coal Exchange is a very public place?

A. Yes.

Q. And he was in the courſe of reading, upon the public Exchange, letters he had received from his brother?

A. Yes; when forty, fifty, or ſixty people were preſent.

Q. What has been the character of Mr. Stone?

A. A very reſpectable character.

Q. Did you ever diſcover in him any thing dangerous?

A. Never in my life; he is a very worthy acquaintance as any I ever had.

Mr. Attorney General. I have no queſtion to aſk Mr. Thompſon.

Mr. William Parkins (ſworn.)

Examined by Mr. *Serjeant Adair.*

Q. What is your buſineſs?

A. A Coal Merchant.

Q. Are you acquainted with Mr. William Stone?

A. I am.

Q. Do you remember his reading any letters received from France to you or other perſons in your preſence?

A. Yes, I have heard him read one or two letters during the time in the Coal Exchange, meeting him there as a buyer.

Q. In the hours of buſineſs?

A. In the hours of buſineſs.

Q. Did he read them under circumſtances of concealment or openly?

A. Openly.

Q. Do you remember any particular papers being ſhewn to you, or any body elſe by Mr. Stone about the diſpoſitions of the people of this Country?

A. Yes, I remember hearing Mr. Stone read ſome part of a letter, wherein he ſaid that it was a very ridiculous thing in the French to attempt any ſuch thing as an invaſion, for that the people of this Country would riſe in a maſs.

Q. Was that part of the ſubſtance of the paper you heard him communicate?

A. It was.

Q. Was this read openly or under any circumſtances of ſecrecy?

A. Quite openly—I was preſent.

Q. Were there other gentlemen preſent?

A. I do not recollect who, but there were ſome gentlemen about the fire place at the ſame time.

Q. And

Q. And this was read on the Coal Exchange openly in the hours of buſineſs, without any concealment whatever?

A. Yes.

Q. How long have you known Mr. Stone?

A. I believe ſeven or eight years.

Q. What opinion have you of his character?

A. As a mercantile man I always reſpected Mr. Stone.

Q. Did you ever hear him expreſs any ſentiments dangerous to the ſafety of the Country?

A. No, I never did.

Q. Any ſentiments of diſloyalty to his Majeſty?

A. I never did.

Mr. Attorney General. I have no queſtion to aſk this gentleman.

Mr. Henry Smithers, (ſworn).

Examined by *Mr. Serjeant Adair*.

Q. You are a Coal Merchant I underſtand?

A. I am.

Q. Do you know Mr. Stone?

A. I do.

Q. Do you recollect his reading to you or to any body in your preſence, political letters reſpecting the ſtate of France?

A. I recollect his having been in the habit of doing that repeatedly, with many gentlemen round him in ſuch a manner that they might ſee entirely the letters ſo read, without any reſerve at all.

Q. I need not then aſk whether he made any ſecret of his correſpondence with his brother in France?

A. I do not know that he read all the letters he received.

Q. But of his general correſpondence—did he make any ſecret of it?

A. I never ſaw or knew of any.

Q. How long have you known Mr. Stone?

A. Since March 1786.

Q. What is his character?

A. I never conceived that Mr. Stone was at all particular in his politics, not ſo much ſo as ſome others that I know.

Q. Did you ever hear him expreſs any diſloyalty to the Government of his Country?

A. I have heard him expreſs his diſapprobation of particular parts of the Adminiſtration of the Country.

Mr. Serjeant Adair. God forbid that opinions of that ſort, whether right or wrong, ſhould be thought treaſonable. Did you ever hear him expreſs any diſloyalty to the King or the Government of the Country?

A. Never.

Q. Or any opinion dangerous to the public ſafety of the Country?

A. Not to my knowledge.

Mr. Attorney General. I have no queſtion to aſk this gentleman.

The Reverend Thomas Taylor, (ſworn)

Examined by *Mr. Serjeant Adair.*

Q. How long have you known Mr. Stone?

A. Almoſt twenty years.

Q. Have you known him intimately during the courſe of that time?

A. I have been in a courſe of friendſhip and intimacy with Mr. Stone.

Q. From that knowledge of him, what has Mr. Stone's character been during that time?

A. I have never obſerved in Mr. Stone's converſation or in his conduct, any thing that could at all tend to treaſonable practices.

Q. Did you ever know him expreſs himſelf in terms of diſloyalty or diſaffection to the King or the Government of the Country?

A. I never obſerved any thing of that kind.

Mr. Attorney General. I have no queſtion to aſk Mr. Taylor.

The

The Reverend Rochemout Barbauld, (ſworn)

Examined by *Mr. Serjeant Adair.*

Q. How long have you known Mr. Stone?

A. Two and twenty years I believe.

Q. During your knowledge of him, what character has he borne?

A. He ſeemed always to me to be a ſenſible man, and very moderate in his political opinions.

Q. Did you ever hear him expreſs any ſentiments of diſloyalty to the King or the Government of his Country?

A. Never.

Q. Any opinions dangerous to the peace and ſafety of the Country?

A. Never.

Q. Have you known him well for that length of time?

A. I have not been intimate with him.

Q. But you have known him during that time?

A. I have.

Mr. Attorney General. I have no queſtion to aſk this gentleman.

Mr. Joſeph Chamberlayne, (ſworn.)

Examined by *Mr. Serjeant Adair.*

Q. How long have you known Mr. Stone?

A. I believe about twenty years.

Q. What are you?

A. A Shoe-maker by trade.

Q. Have you known him well.

A. Yes.

Q. During that time, what has been his character?

A. A very fair honeſt character as far as I have known.

Q. Have you ever heard him make uſe of any expreſſions of diſloyalty to his Majeſty or the Government of the Country?

A. Very far from it, ſo far from it that he joined with me in a military corps at the time of the riots, and was always a friend to order and good Government.

Q. Have

Q. Have you ever heard him read letters from France, reſpecting political ſubjects from his brother?

A. I recollect he read one to me.

Q. Was that under any injunction of ſecrecy?

A. I do not recollect that it was.

Mr. Attorney General. I have no queſtion to aſk Mr. Chamberlayne.

Mr. John Blunt, (ſworn)

Examined by *Mr. Serjeant Adair.*

Q. I believe you are Coal factor?

A. I am.

Q. How long have you known Mr. William Stone?

A. Near twenty years.

Q. During that time what has been his character?

A. I always conſidered him a reſpectable character, and that he was a friend to this Conſtitution.

Q. Did you ever hear him utter any expreſſions of diſloyalty to the King and Conſtitution of this Country?

A. No, quite the contrary; I have heard him ſay that a man who wiſhed for any alteration of the Conſtitution of this Country muſt be a mad man or a fool.

Q. Did you ever hear him read any letters from his brother?

A. Yes I have very publickly, too publickly I thought for his brother's ſafety. I thought that he would endanger his brother's life.

Mr. Attorney General. I have no queſtion to aſk Mr. Blunt.

Mr. John Kiddell, (ſworn)

Examined by *Mr. Serjeant Adair.*

Q. How long have you known Mr. Stone?

A. I have been upon very friendly terms with his family for a great number of years—I have known Mr. Stone from his childhood.

Q. Have

Q. Have you ever heard any expreſſions of diſloyalty from Mr. Stone towards the King and Government of this Country?

A. Never, on the contrary I always thought him bred up in principles favourable to this Conſtitution and to the eſtabliſhment of the Houſe of Hanover—I always conſidered him in that light.

Mr. Serjeant Adair. It is going over the ſame ground again, and in a cauſe which has already laſted ſo long, I will not treſpaſs on the time of your Lordſhip by calling any more witneſſes.

[*The End of the Evidence.*]

THE

The Honourable Thomas Erskine.

Gentlemen of the Jury,

We were anxious upon our parts for the priſoner in wiſhing that this cauſe ſhould be thoroughly inveſtigated and underſtood; and wiſhing, as we can have no reaſon not to wiſh, that juſtice ſhould be done to the caſe of the Crown as well as to the caſe of the unfortunate perſon whom we repreſent to-day, we were deſirous of not going on with a number of witneſſes to prove that which is ſufficiently eſtabliſhed already; being deſirous that you ſhould not only hear me but have an opportunity of hearing the Crown's Counſel, while yet your underſtandings are ſufficiently freſh to embrace all the complicated matters which belong to this cauſe.

Gentlemen, I have been revolving moſt ſeriouſly in my own mind what part I myſelf ſhould purſue in ſtanding up before you to-day; and I confeſs that if I were Counſel for myſelf—that if I were arraigned of High Treaſon at this bar, and had aſked my honourable and learned friend to do that duty towards me which he has done to-day for my client, and being myſelf of the profeſſion of the law, had reſerved for myſelf that indulgent privilege which the wiſe laws of our forefathers have given us, to make my own obſervations in my own defence, I ſhould have remained abſolutely ſilent; I ſhould have conſidered that I beſt conſulted my own ſafety in not taking off any thing from the moſt impreſſive addreſs that it is poſſible for any man to offer to a Jury, in a caſe that requires moſt undoubtedly the learning which my friend poſſeſſes; but ſtanding, as I do, for another, I cannot purſue that courſe, and I muſt therefore, in what I have to ſay, endeavour to make you underſtand as well as I can the real principles upon which this cauſe muſt be decided; and to examine, with as much care as poſſible, the evidence, by which alone it can be ſupported.

The firſt matter for conſideration in all Courts, upon all occaſions, civil or criminal, is to ſee diſtinctly what the charge is; and

and for the honour of the Crown be it ſpoken, and of my worthy and learned friend the Attorney General, who opened to you this proſecution, there is nothing left for me to vary or contradict.

Gentlemen, he made no conceſſions to the priſoner; if he had he would not have been entitled to the thanks and approbation of the Bar; becauſe, moſt undoubtedly, the Counſel who ſtands for the Crown is not to plead the caſe of the defendant, but to ſtate with abilty and preciſion the caſe of the adverſe party. But what I honour the Attorney General for in the courſe of this buſineſs is, that though he made no conceſſion, and ſtated nothing differently from that which muſt afterwards have been ſtated, not merely by the priſoner's Counſel, but by the Court, yet he did not originally leave your underſtandings bewildered, much leſs attempt to lead them from the charge, but ſtated it with an anxious preciſion, which does not only honour to his heart but greatly does honour to the law of the Country he repreſents here this day; for when we are upon the ſubject of invaſions of this Country, and when the whole object of this proſecution is, as muſt be acknowledged, to ſecure ſafety and ſtability to our Government, and to prevent it from being over borne by foreign forces, what is it that can make the ſubjects of this Country cling to it ſo ſtrongly—what that can more unite them in the manner it ſeems admitted they are united, than to compare the mildneſs and beneficence of our juriſprudence with thoſe tribunals of blood that we might expect to be erected here if an invaſion of the nature ſpoken of were effected? —What can lead ſo well to ſupport the Government as to ſee a juſt, mild, and beneficent Court, hearing with equal complacency the caſe of the priſoner and the caſe of the Crown, hearing an officer of the Crown, not conducting himſelf like men whoſe names will ſtink in the noſtrils of poſterity, before our happy Conſtitution was vindicated and ſupported as it is today—to hear and compare the conduct of thoſe men with the conduct which has been purſued in this cauſe?

Gentlemen, there is no queſtion of law in this caſe, the charges are two—compaſſing the death of the King, and an

adherence to the King's enemies. But it is not ſufficient to ſtate the guilt of the one or the other which exiſts in the imagination of the heart, it is neceſſary to ſtate the overt act which is the manifeſtation of that Treaſon which the Priſoner is called upon to anſwer for.

The charge that is made upon this priſoner, as it is made upon every man who is charged with Treaſon, is, that he has fallen off from his allegiance; that he has fallen off from the love of his Country and its magiſtracy; that he is devoted to the deſtruction of the one and of the other: and then the record charges what he has done, as the manifeſtation of that traitorous ſpirit which the law arraigns, and which the law will puniſh. In order to do that, this indictment appears to me to be very ably and properly drawn; for I am ſure that, whatever the ſequel of this cauſe may be, we make no complaints of the Crown or the Government of the Country, but come here, as we have a right to do, to defend ourſelves.

The indictment charges the offence, which, as my learned friend truly ſtated, need not be mentioned with preciſion, but ſtates it in thoſe ways which I ſhall take notice of.—It charges the priſoner with being engaged in a conſpiracy with his brother reſiding in France, and with a perſon of the name of Jackſon, now dead; which conſpiracy had for its object, to accompliſh, as it is charged in one part of the indictment, an invaſion of the French upon the dominions of the King, firſt here, and then in Ireland: there are counts in the indictment, ſtating it more generally, to afford intelligence and communication to the enemy, what were the diſpoſitions of the King's ſubjects of this Country with regard to their own Government or to the Government of France: and the indictment is drawn with this aſpect becauſe as the overt act, as far as it goes upon the whole evidence, is not that Mr. Stone invited an invaſion, but, on the contrary, he with anxiety endeavoured to avert it.

The indictment is drawn in order to embrace this caſe:—that the priſoner at the bar did afford that communication to the enemy, not for the reaſons that he gave to the witneſs—not for the reaſons that he gave when he produced that paper—not for

the

the reaſons that we who are his Counſel aſſign for his conduct, but that he did it in conſequence of a previous confederacy and conſpiracy with thoſe who exerciſed the powers of the Government of France, in order to let the French know that their invaſion would not be ſucceſsful; to point it to another place, and to a better occaſion; and that he did it—Shall I ſay how?—No: I will have recourſe to what fell from the Attorney General, whoſe expreſſions are ſo correct upon the ſubject. For once again let me not pay him the falſe compliment of having made any conceſſion, for he has made none, but borrowing his correct language—The French Government, intending an invaſion in the end of the year 1793, employed Jackſon to ſee whether England might be invaded, and to examine alſo the condition of Ireland; this man was ſent through Hurford Stone at Paris, and the priſoner is charged with conſpiring with Hurford Stone to aſſiſt Jackſon: it charges, and the eſſence of the crime is, that the priſoner, knowing Jackſon to have come over on that miſſion, received him and aſſiſted him in procuring the intelligence required. The indictment throughout charges, that Mr. Stone entered into theſe views with Jackſon knowing what they were, and aided and aſſiſted him in the Treaſon. There can be no doubt, purſues the honourable and learned gentleman, if the overt acts charged in the indictment are proved, and proved to have been committed with the intention charged, that will ſupport both charges of Treaſon.—So ſay I, who am the priſoner's Counſel; for if with the intention, not of averting the calamity of an invaſion for the benefit of England, but of doing it for the benefit of France, that ſhe might come with accumulated ſtrength and with better preparation, he did it looking in his mind traitorouſly to the deſtruction of his own Country and the benefit of France, inſtead of to the benefit of his own Country: undoubtedly it is not only an adherence to the enemies of the King but it is an imagination of his death, for his death would be but too inevitable a conſequence of ſucceſsful adherence to his enemies.

Then the Attorney General purſues the matter thus:—I ſay if the evidence—and I conjure you, Gentlemen, by all that is

ſacred,

ſacred, to an attention to theſe words, upon which I put my cauſe, and upon which I mean to plead it for the priſoner—that if the evidence ſatisfies you that Jackſon was here for the purpoſe of informing the enemy from what enterprizes they might refrain, and what they might undertake for the benefit of France, and not for the advantage of England, Mr. William Stone cannot be delivered from the charge of this indictment, if he knew Jackſon's views, and gave him aid or aſſiſtance with the intention charged in the indictment. That muſt have been what you would have ultimately been told that your office is—that you have already heard from my learned friend—that you now hear it to be from me—that you muſt ultimately hear it to be from the Court; but if you had not been told it in the early ſtage of the proceedings, your underſtandings might have been bewildered, you might have been ſucking in the poiſon of collateral matter, unconnected with the merits of this caſe, and your conſciences might have been enſnared.

Gentlemen, the charge is alſo ſaid to be—and, God knows, it is!—an accuſation of the higheſt nature (I ſpeak now again the words of the honourable gentleman) that can be ſtated in an Engliſh Court againſt an Engliſh ſubject.

Gentlemen, it is for that reaſon that you have a moſt awful duty impoſed upon you, if you conſider the nature of this crime, and the intereſt that every Engliſhman muſt take in the prevention of it; perhaps it is almoſt too much to expect, that the imaginations of men may not be rouſed and their hearts inflamed, and that there may be a ſort of proneneſs to connect the perſon charged with the offence itſelf. Great and abominable as any attempt upon human life is, an attempt upon the ſacred perſon of the King is infinitely more abominable and dangerous, inaſmuch as the ſafety of the King is interwoven with the great fabric of the State. It is no diſloyalty to ſay, that this ſpecies of compaſſing the King's death is an infinitely more dangerous and fatal crime than a direct attack upon him; becauſe, though the magiſtrate might fall, the law might remain; but he who invites a foreign enemy into this land is a traitor indeed; he lays proſtrate at once all that the wiſdom of our anceſtors have built

up

up during ages for our protection; he expoſes our laws, our fortunes, every thing that is dear to us, and every thing that ought to be ſtill dearer to us than our lives—the lives of thoſe who owe their exiſtence to us, all are ſubmitted to the ignominious bondage of a foreign power, and the proud and independant ſpirit which has characterized this Country left, not merely at the mercy of thoſe who ſend their armies, but the Country itſelf expoſed to the barbarous pillage of the beſt conducted and beſt regulated war.

Gentlemen, I ought to hold this language: but how muſt I ſuppoſe that you feel upon the ſubject, when I proteſt, that when ſpeaking of the crime, of the conſequences of it to the Country, and the indignation which my own mind feels at it, I almoſt forget where I am, and the duty I owe to the perſon who is now under the imputation of that horrid crime. Is it too much to ſay then, that if this be ſo, in the ſame proportion it calls for a proof correſponding with the enormity and with the improbability of the offence? What is the evidence before you to-day, not given by me, but given by the Attorney General; he has called into Court high and honourable men, and he has ſelected them principally from thoſe perſons who are in oppoſition to the perſons at preſent entruſted with the Government of the Country; yet they tell you, with one accord, what the Attorney General muſt know in his conſcience to be the truth, and what is proved to have been the opinion of the priſoner himſelf, that if France were to think of an invaſion of England, all England would riſe in a maſs againſt her, whatever might be their particular opinions, however they might be ſplit into parties—however ſome might hold more highly the democratical part of the Conſtitution, and think it put under and oppreſſed; though others might think the Crown rather in danger, from the particular circumſtances attending the democratical part of the Conſtitution; though others again might hold high the ariſtocratical branch of Government, and though they might be divided into various opinions, men ever will be ſo divided, and above all in a free Country, where men are conſtantly employed in diſcuſſing opinions about Govern-

ment as well as their own affairs; yet—what?—yet, as againſt France all would be united; then what is the propoſition you are deſired to maintain to-day? for God's ſake think of it; it is not that Mr. Stone is guilty of a crime which many men may be guilty of, and which is a crime which may beſet men with many temptations, though it may be difficult to prove it againſt a perſon, but you take Mr. Stone from the whole maſs of Engliſh ſubjects—you give in evidence that England would riſe in a maſs againſt France, but not Mr. Stone; and you ſingle him out, you ſet him upon a pinnacle, and you ſay that although all England would riſe in a maſs to defend their Country, yet you are a traitor who would not riſe—you are a traitor who would feel an intereſt in the deſtruction of your Country; but you can bring no one in your Country to conſpire with you, and therefore you pick out a man in France, and a native of Ireland reſiding in France, to join you in this, which none of your countrymen will join you in.

Now, do I expect, that if this crime is made out againſt him by ſuch evidence as the law muſt accept of, according to the forms of its juriſprudence, and according to the principles of human reaſon, which is the foundation of all evidence—do I expect that you ſhould diſcharge him from it?—certainly not; my propoſition is, and which no man can remove me from, that (there is an improbability ſo ſtrong, that no man in England has been charged to be likely to commit it) that you muſt have proof above all queſtion—proof that leaves no loop to hang a doubt upon—proof that enables you to diſtinguiſh one of your unfortunate fellow-creatures from all that breathe the ſame air with him, and all connected with him or the Country, which ſhould ſeparate this ſingle tare, and pluck it out from the cloſe-connected ſheaf of wheat which it ſeems all the reſt of the Country is, before you devote a man to ignominy and to death: that you ſhould have ſomething which enables you to ſee, what the Attorney General knows, and expects you muſt ſee—not that you have been enabled to reaſon yourſelves, and to work yourſelves up, trying how you can find this gentleman guilty—but that, on the contrary, you cannot help finding him guilty;

for the Attorney General ſays, that every body will receive great ſatisfaction if you ſhould be enabled to acquit the priſoner, and every body will go out of Court happy at the event.

Beſides that, Gentlemen, it is the principle of Engliſh juriſprudence that you ſhall ſo feel.—The queſtion then is, whether the Crown have made out ſuch a caſe as you are not enabled to deal with; that you can ſee no road out of it; that you cannot poſſibly and conſiſtently reconcile with reaſon, the innocence of the man, with the materials laid before you.

Gentlemen, that being the caſe, the next obſervation which is made is—that this crime certainly don't admit of the ſame ſpecies of proof which contracts will admit of. Why, Gentlemen, that very obſervation almoſt goes to the acquittal of my client in a moment; if a man will keep his mind and underſtanding open to the hearing of what Judges ſay every day. Crimes ſhun the light—contracts are made in the light; crimes are committed ſo that perſons ſhould not know any clue by which they might even get at that which conſtitutes the crime, or the various connections by which it can be inveſtigated—contracts have witneſſes to them: certainly you are not to expect publicity in a crime. This crime has nothing like ſecrecy belonging to it; it is a crime committed in the face of open day—a crime which the perſon whilſt he is committing it, nay, before he is committing it, glories that he is about to do the act. When a man has committed a Treaſon, or any other crime, it certainly will not do for him afterwards to go upon the Royal Exchange, or any other place, to proclaim it; though that would be pretty ſtrong, if the crime was not before diſcovered, becauſe he would give evidence of his having done it; but a man, before he has done the act, and while the thing was yet in *eſſe*, as in this paper, before the thing was communicated, before he had ſent over any communication whatever to the enemies, when a man conducts himſelf as Mr. Stone has, by going publicly on thoſe places that have been ſtated, and by conſulting ſome of the moſt reſpectable perſons upon the ſubject, certainly, Gentlemen, that does ſhew that he at that time could not poſſibly conceive

that he was doing any act that it was inconſiſtent with his duty as a good ſubject to do.

Gentlemen, I do not ſtand up here to contend, and it is unneceſſary that I ſhould; that it is either a wiſe or an adviſeable, or, ſtrictly ſpeaking, a thing which ſhould be done for a perſon, even to do good to his Country in thoſe reſpects, in the character of a mere private man. I am extremely ready to admit that it is always the wiſeſt, diſcreteſt, ſafeſt, the moſt reaſonable and proper courſe, when you know any-thing that might be extremely beneficial to your Country, that you ſhould go at once, and communicate it to thoſe who are the rulers of that Country, who might make uſe of it by adding your information to others they might have, and by ſo conducting themſelves in their reſpective ſituations, that the public might be benefited by it. But we are under no examination to day, with regard to the diſcretion or propriety of Mr. Stone's conduct.

Gentlemen, I am not aſking you to put a wreath about him, for the benefit he has done to his Country; and, however I might think, that as an honeſt man, he meant well, and was doing well, my buſineſs to day is not to call for your particular approbation of the thing, or to deſire you, by your verdict, to ſanction it, as a matter for imitation; but to ſay upon the evidence, whether he did the thing *bona fide*, as he ſtated he was doing the thing, whether if he was right or wrong, he meant what he ſaid, and did, and, whether he did it for the reaſons that he ſaid, or whether he did it from thoſe traitorous motives that are charged upon him by this indictment. The Attorney General has truly ſaid, that this queſtion muſt be decided as all theſe queſtions muſt be decided, by looking not merely at the evidence, for that would bring you nothing, if you did not when you look at the evidence, take into conſideration the human character—and he truly tells you, that you cannot know what any man has done, and examine his acts, upon any principle, but by comparing his conduct with the general conduct and character of men, and ſee whether you can conceive that a man, who has done what he did, could have done it from any other than the criminal motive he ſuggeſts.

Now

Now I close with the Attorney General upon that—be the cause tried upon that. I maintain that it is impossible for any man, who looks at this whole transaction, to refuse to say this, that if Mr. Stone be guilty of the act, which is charged upon this record, he has conducted himself in a manner which has no parallel, which human experience gives us nothing equal or similar to; that he has conducted himself in a manner in which no person ever conducted himself; and that therefore it is impossible upon that principle, to say that Mr. Stone is guilty, unless you can prove he is guilty by facts so cogent, and so conclusive, that all appeals to reasonings and to the analogies of human life will not take away from the absolute and clear conviction that must follow from the facts.

If the Attorney General had done as some officers of the Crown have, in former times, perhaps he might have conducted his case in this manner; but he could not so conduct it, because, he can do nothing that is unworthy. Suppose he had laid down the paper which has been read in evidence, which I will call Mr. Vaughan's paper, if you please, or the paper copied by Mr. Stone, with some variations from that paper, and that he had said I will prove upon you, that you have sent intelligence concerning the state of this Country, to a person who was so far connected with France, as having come from thence, and who was in correspondence with your brother, living domiciled in France, and receiving the protection of that Government—And then I will leave you to explain that matter; and, then when we come to offer our evidence in explanation, to have told us, this is but the prisoner's explanation of his own conduct, and is no explanation at all.

But Gentlemen, I stand upon the evidence of the Crown, and you must take the evidence all together. And I beg this may be attended to—what is the evidence against Mr. Stone? The evidence is not that he drew up a paper, and that you are called upon to collect from the act itself, *quo animo* he did it—this paper speaks for itself—with what mind he did it, must be collected merely from the paper; because there is no evidence to give an explanation of the intention with which he did the act; but

that which the act itſelf furniſhes—but that is not the courſe in which the cauſe ſtands—the proof is, that Mr. Stone informed ſeveral gentlemen, that an American gentleman from France, was come into this Country; that an invaſion was meditated by France, ſtating the anxiety which as a good ſubject he felt for the condition of this Country, knowing the danger that would neceſſarily follow from that invaſion, whether ſucceſsful or unſucceſsful; that he thought he had it in his power to avert that calamity; why, they all ſtate, my Lord Lauderdale, Mr. Sheridan, Mr. Rogers, Mr. Towgood, every one of the witneſſes called by the Attorney General; and you will recollect this is not an account given of what a man ſaid in vindication of what he had done; but it is the motive aſſigned for his doing the thing, while it is in *eſſe*, and not done—the one is connected with, and is inſeparable from the other.

I do not know which of my learned friends is to reply to me, but which ever of them that important office is caſt upon, I deſire to have this anſwered diſtinctly. I ſay, that in this view of the caſe they cannot have a verdict for the Crown; but upon this principle we have proved the act which you have done, we have proved, that at the time you were doing it you declared that you were doing it from a motive highly honourable we admit; and we admit from our own teſtimony (for they cannot contradict their own witneſſes) that Mr. Stone held this language at the time he was engaged in that conduct; but, ſay they, all this was colour, and when they have done that, the *onus probandi* is ſhifted from me upon them, they do not put the *onus probandi*, as if they were to lay the paper upon me, and leave me affirmatively to prove the motive which the paper itſelf might not have eſtabliſhed; but like honourable and juſt men, knowing that theſe things were ſo, they would not deprive the priſoner of the juſt advantage which belonged to him; and, therefore, the pain and antidote came together with the evidence for the Crown. The act of which they wiſh you to take the worſt conſtruction, is not laid nakedly before you to collect that conſtruction from ſuch evidence, as unfortunately it may not be in the priſoner's power, conſiſtent with the law, to produce; but they give you the

the whole *res geſta*, they give you the thing from beginning to end, and that which they do give you ſhews that the priſoner did it from a motive, which I maintain is no more like Treaſon than it is like any other crime, in the whole catalogue of crimes, or like any virtue that may be found in a different catalogue; but, on the contrary, it is an act of merit, even if it is not an act of merit according to the general policy of a ſtate, it is the miſtaken act of an honourable man zealous for his Country's good. Then, I tell the honourable gentleman, whoever it may be that replies to me, that the burthen is to them a heavier burthen than they can walk under, to ſhew that their own evidence is falſe in that reſpect—that they were impoſed upon by Mr. Stone, that, in fact, he was acting from the motive charged in the indictment, and not from the motive held out by himſelf; and they muſt do that not by ſuſpicion, not by throwing a cloud upon it, for they, and not I, are to maintain the affirmative propoſition. It is for them to ſhew it, to ſhew how, as Lord Coke, the oracle of our law, ſtates it (would to God that he had reſembled my honourable and learned friend, when he came to put his law into practice, in Criminal Courts of Juſtice but, he who was the higheſt authority of our law, has left this upon record as the law—The priſoner muſt be convicted—" not upon " conjectural preſumptions, or inferences, or ſtrains of wit."—For, ſays he—the words of the ſtatute of Edward the Third, are not that the priſoner ſhall be *probably* attainted, for then a common inference might ſerve; but *provably* attainted—that is in the full and unerring force—not merely in that demonſtration which belongs to matter and to ſcience, but that moral demonſtration, without which no man can ſleep, after having delivered a verdict which leads to the conſequences that this will do.

Now in order to do this, and before I come to the particulars of the evidence—for I mean, by and by, to examine by what magic they are to do this, after the priſoner ſtands upon the act he has done, explained by himſelf before the act was conſummate; and, therefore, having a body and a form given to it, was the act itſelf, which he did, beneficial to the Country, or the contrary? Will any man dare to ſay, that it was not bene-

ficial, though it certainly would have been more regular to have made a communication to thoſe who have the adminiſtration of the Government; yet, I think, that which is hawked about at the Coal Exchange, will probably find its way to the Government. Will any man ſay, it was not beneficial to this Country; I believe, if there was any man found hardy enough to ſay it, he would be like other bullies, the laſt man to be found, if an invaſion happened—he muſt be a very ſhallow man indeed, who does not recollect what might happen at any time; but above all might have happened in the year 1794, compared with the period in which we live, if France had accompliſhed that invaſion.

Gentlemen, would it have been any conſolation to this Country, to ſee myriads upon myriads, riſing to defend it, mowed down like the graſs in the autumn, ſtarting and riſing up again, going on from exertion to exertion, and from conqueſt to conqueſt—would it have been any thing that a hundred thouſand Frenchmen had been landed in England, becauſe the united conduct and bravery of Engliſhmen would have driven them back. Thoſe who recollect the ſtate of a Country, where paper credit is ſubject to every blaſt—thoſe who recollect the condition of a Country, where, though I believe, the minds of his Majeſty's ſubjects are firmly attached to him, and to their Country, but attached alſo to their own intereſts, which are inſeparably connected with the intereſts of their King and their Country, conſider how many lives might have been loſt, how much blood might have been ſhed, how much treachery might have been added, for money, Gentlemen, unfortunately can purchaſe treachery as long as men are men. And who could ſtate what would have been the conſequences, if the great capital, in which we live, had been by ſucceſsful efforts of the French pillaged, though the next moment all the pillagers had been deſtroyed; yet would it have been any more than if an ant-hill had been deſtroyed, while this Country might have been left for years, perhaps, for ages, to lament that unfortunate event; therefore I ſay, that I have a right to aſſume that.

Have they brought any military men here, or any naval men,

or

or any Secretary of State, to lament the unfortunate circumſtances that befel England, from the French not being permitted to land.—That Mr. Stone had ruined the proſperity of the Country, by keeping the French out of it, I believe there is no man will ſay that in a Court of Juſtice.—No man has ſaid that in Parliment, and I take upon me to maintain that neither in public, nor in private life, have I heard any man raſh enough, adventurous enough, or bold enough to utter ſuch a wiſh; for it muſt have been wicked in the extreme, to have wiſhed to ſhew the proweſs of the Country, at the expence of our blood, at the expence of our treaſure and public credit, and at the expence of what the providence of God has hitherto preſerved us from; namely, the fatal conſequences that attend powerful and hoſtile invaſions.

Here you are to examine, who is Mr. Stone, that is to do all this? A man who is not proved, notwithſtanding the admiſſibility of that evidence, to have opened his mouth with reproaches, either of the Governors or of the Government. A man who has not been one of thoſe violent and hot reformers, who have made themſelves the objects of ſuſpicion, but who happens to belong to a ſociety, that is not, I think, very darkly ſtated by Mr. Jackſon in a letter, which, by the bye never came to Mr. Stone's hands; but, I believe, was the one that came back from Baſle. He has not been one of a ſet of men contending for the places which they wanted to remove others from; men who thought of nothing like a freedom beneficial to the people, or any reform at all, except that of taking places which others had, and which was the only object of their patriotiſm.

Mr. Stone is not proved to have uttered one ſentence againſt the Government—not one ſentence has he been heard to utter againſt the war—not one ſentence againſt the conduct of thoſe who are engaged in the Government of the Country: that ſhews how abominable it would be to ſelect this man from all others, to make him the ſubject of a treaſon committed, when he himſelf who does the act, is upon the Crown's evidence, claiming merit with the public for his act; when, I believe, it could ſcarcely

ſcarcely be predicated of any other man; I am ſure it could not be predicated of myſelf, who am ſpeaking to you—though, I truſt, I ſhould do as every other Engliſhman would do, that I ſhould protect my Country; and that I ſhould be found, I truſt, not among the laſt men to reſiſt, if an atom of the Conſtitution of my Country was touched; but yet I ſhould be extremely ſorry, if every thing that I might have ſaid at any moment in my life, that the Crown might collect, were to be brought before you, in order to ſhew what my ſentiments, and opinions were upon ſome men, and ſome things.

Gentlemen, Mr. Stone is not in that ſituation, for though you have had every paper that he had—though his whole correſpondence has been laid open—though he has had no opportunity of protecting himſelf from the conſequences of any raſh and unguarded moment; they have not been able to ſtate to you—they cannot ſtate with honour, and, therefore, it will not be ſtated to you, that he was a man in the ſmalleſt degree an object of ſuſpicion, a man whoſe principles, or conduct could lead him to be at all diſtinguiſhable from the reſt of his Majeſty's ſubjects. On the contrary, let me remind you of the evidence which you, will hear ſummed up to you; and a ſumming up does not mean a bead-roll of what has been given in evidence, merely reading it over again to you; but it is to impreſs upon your minds the parts of the evidence as they depend, one upon another. It is proved that Mr. Stone held forth publicly that a man muſt be either a madman or a fool, as he muſt be who would be ſeeking a revolution in the Country; and that his conduct has been conſtantly the conduct of a man, an enthuſiaſt, I will admit, for human liberty—an enthuſiaſt for the rights and privileges of mankind, and in proportion as he is ſo, a friend to the Britiſh Conſtitution, and to this Country, the firſt nation upon earth, that ever knew any thing of what human privileges were, that has enlightened and aſtoniſhed an admiring world; and, I truſt, will be found for ever the ſtandard, the centre of the wiſeſt and happieſt Government in the world.

But, Gentlemen, what ſort of invaſion is this that Mr. Stone

Stone is ſuppoſed not to be inviting, but to be preventing; not for his Country's benefit, but that it might come at a better time for his Country's deſtruction.

Was it the invaſion of a regulated ſtate, in ſupport, for inſtance, of the claims of another family? Such an invaſion as was meditated in the time of King William, in order to reſtore the exiled Houſe of Stuart, where, if it had been accompliſhed, the prince would have been changed, but the laws would have remained.—Where one regulated ſtate makes war againſt another, almoſt like a duel (only upon a larger ſcale) between two private men, with all the courteſies, and all the civilities of war. No; but the invaſion of a Country, which, at that time, was convulſed and agonized with revolution—a Country in which thoſe who ſent forth the armies, might ceaſe to be the leaders of thoſe armies, or the directors of them, before they had left the Country—a Government that could give no ſecurity to any man who ſupported it, but on the contrary he would be more likely to be made an object of deſtruction, becauſe he had ſupported it.

I ſhould be glad to aſk (for here every thing I ſay is for the benefit of the Reply, that it may be ſeen and known, whether I am impoſing upon you, or ſtating that which, independent of my character as Counſel, I muſt ſtate here and every where) I aſk, what evidence is there before you that Mr. Stone had received any thing like ſecurity, that if this invaſion ſhould take place he would be ſafe? Is there any thing in the letters of Hurford Stone from whence you can collect that he was an agent of the French Government? Mr. Jackſon could never be ſent to prevent an invaſion; if he was ſent at all, he was ſent to try if it could be ſucceſsfully made; then for God's ſake, if we are to execute one of the King's ſubjects, let us have ſome ſort of reaſon; let us have ſome ſort of principle; let us have ſome ſort of fact. All the letters written from Mr. Hurford Stone, at Paris, have found their way to you to-day. Do they ſay to Mr. William Stone, Don't you be afraid of the conſequences of this invaſion, you will be ſafe? Quite the contrary; you find, before Jackſon is talked of, he ſays, ſell your houſe,

or

or it will be taken; and in the laſt letter which is produced of that claſs which run on from number one to number ten, ſome parts of which I ſhall by and by take an opportunity of ſtating more particularly, there is this remarkable expreſſion in the letter number ten, which is written from Paris, after Mr. Jackſon was here; he tells Mr. Stone, that the letters which he is to write back to him will probably be examined in France—that it cannot be wondered at if he (Mr. Hurford Stone) is an object of ſuſpicion; and he laſtly ſays to him—though I am treated with a good deal of delicacy—you obſerve this is not offered to you as a colourable letter, quite the contrary, this is offered as a letter written by Hurford Stone, not to William Stone directly, but under a cover to Lawrence and Company, to meet only Mr. Stone's peruſal, and it is found among his papers by the officers of the Crown, and delivered up for your conſideration upon a criminal trial.

Why, Gentlemen, is that the letter of a man who knew that he was the very agent of the French Government, who knew that he had ſent Jackſon as their ſervant, and that they both were engaged in a conſpiracy with an Engliſhman in London, from whom they were to receive the accounts he ſhould ſend of the progreſs of a miſſion, the ſucceſs of which had all the public Government of France at ſtake? Why it is folly to ſay this—no man has attempted to ſay that this is colour, he writes like a man who is an object of ſuſpicion, becauſe an Engliſhman. And do, Gentlemen, have the goodneſs, if it be worth your while after what I am ſaying, to take a note of what I am ſpeaking, it is the laſt letter when Jackſon's treaſon was conſummate, when he was preparing to go to Ireland, and Hurford Stone muſt be at Paris, expecting his brother here to write over to him the ſucceſs of that miſſion from the French Government by his agency. You find him a man trembling for himſelf, an object of ſuſpicion to the French Government, and holding a clandeſtine correſpondence with his brother, likely to be more dangerous to him, Hurford Stone, in France, than it poſſibly could be to his brother, who was his correſpondent in England.

As

As far as we have yet got, what is there againſt this gentleman; there are letters that go from one to ten, the laſt of which I read to you, and read it to you firſt, although it ſtands laſt, for the benefit of that obſervation. What do theſe letters conſiſt of? why they are many of them merely matters of commerce, matters of manufacture, for there was a manufactory eſtabliſhed there, a great variety of bill tranſactions and money, and it is very probable that Hurford Stone might wiſh, and for any thing I know or care, did wiſh, through Jackſon, to draw in his brother here into inveſting his money in thoſe ſorts of illicit trade which began to be but too much an object in different parts of Europe, in conſequence of the preſſure of the Engliſh power upon France—in conſequence of our mighty navy blocking up the extenſive coaſt of France, and in conſequence of being deprived of the bringing of proviſions from neutral ports—it became a great lure for men who had money at command to violate the laws of this Country, and conſequently it was neceſſary for the legiſlature of this Country to paſs that law which beat down that traffic. You find a great number of letters all about common concerns, and ſome of them matters that were as wide of any thing connected with Jackſon as any other man that I am now addreſſing myſelf to—ſome upon matters which placed this gentleman at Paris in a reſpectable light, exerting himſelf with great humanity in ſupporting the needy, oppreſſed and miſerable women who had been the victims of misfortune here, and who were languiſhing in a priſon there. That letter was ſent to Lawrence and Company, exactly the ſame as ſome other letters to Mr. Stone were.

Were there any other letters of Mr. Stone's, or is there the ſmalleſt reaſon to think from this correſpondence, that there were any other? Mark what the evidence is in that reſpect too, though they had been in the courſe, you obſerve, without the knowledge of Mr. Stone, for a conſiderable length of time, of watching Jackſon in Ireland, and intercepting all this correſpondences, though Jackſon did not know that what he was about was diſcovered. If there had been any clue, or any connection between Mr. William Stone and Jackſon, and what he was accompliſhing

compliſhing in Ireland, is it to be conceived that there would have been no letter from Mr. William Stone to his brother, Mr. Hurford Stone, ſtopped at the Poſt Office in England, or any letters found with him? for if he had intended to deſtroy his letters, or had the ſmalleſt idea that they contained any matter which would have brought him into this place, what ſhould prevent him deſtroying them, more eſpecially as he knew that he talked of the American gentleman. Read theſe letters, and ſee whether he knew any more of Jackſon than that he was an American gentleman, who had many things to ſtate to him, and afterwards Hurford Stone ſays he will explain why he ought to ſell the houſe at Old Ford, when giving him that important intelligence, conſequently, though Jackſon had come from a quarter which would, at all events, make him an object of the juſt ſuſpicion of Government, and though it is maintained that Mr. Stone was not only doing it, but was conſcious that he had done it, he leaves all theſe letters as a man would leave all his moſt ordinary correſpondence. Is Mr. Stone, when there is a profeſſion to try his conduct by the general conduct and character of men, to be the unfortunate victim? Is he, when a compariſon is to be made, to be diſtinguiſhed from the reſt of mankind?

Mr. King ſaid, that when he entered, as Under Secretary of State, with the meſſengers, Mr. Stone, ſo far from ſhewing any apprehenſions, ſo far from acting like a guilty man, and nothing is ſo eaſy as to diſtinguiſh a guilty man from an innocent man, under the preſſure of detection, at that awful moment when a man who ſuppoſes he has been doing ſomething which is concealed from all eyes, and on a ſudden finds it revealed, and he muſt anſwer the conſequences of a tranſgreſſion of the greateſt enormity; it is not, it never was in human nature for a man to be able to conceal that emotion, from a man who poſſeſſed the underſtanding, the experience of the world, the education, the knowledge of the human heart, and its feelings, which Mr. King poſſeſſes; and I hope we ſhall always, in that ſtation, have men, who, when they are capable of making thoſe diſcriminations, are honourable

enough

enough to ſtate that thoſe impreſſions were made upon them, when they come as witneſſes for the Crown.

The evidence of this gentlemen is not merely—I did not obſerve, and Gentlemen, his attention might not have been attracted to it; he might have been ſo earneſt in performing his duty, that he might have ſaid that he did not obſerve any thing of the ſort, but quite the contrary; he did take ſuch particular notice of Mr. Stone, that it made an impreſſion upon his mind, at the time, that he was not a guilty man.

Why then, Gentlemen, look at the conduct of Mr. Stone when he is reading all theſe papers—I wanted to aſk the different honourable gentlemen who were called, what impreſſion it made upon them; that I could not do conſiſtently with the rules of the Court, and certainly I have nothing to complain of from the rejection of that evidence, and it was truly anſwered by his Lordſhip. The Jury will collect that—how is it to be collected? Mr. Rogers ſays he met him in the ſtreet; he told him of this American gentleman, and wanted to read him the paper. I aſked was this under any ſecrecy, would not you have told me of it, if you had met me in the ſtreet five minutes after—probably he might. Let it be a ſignal inſtance, though God forbid that there ſhould be any inſtance at all in an Engliſh Court of Juſtice—that although the actions of the man whoſe conduct is under examination; and you are to remember that the crime he is charged with, is publiſhing this paper for the purpoſe of ſending it into France, for though the charges are numerous, there is no other overt act proved, and the only way by which the reſt of the evidence can be applied is this—we do not mean that your enigmatical letters, or the matter that is contained in them, fixed the accuſation upon you by that ſpecies of teſtimony, which ſtanding *per ſe*, would be ſufficient to convict you —ſo ſays the Attorney General—but they are a clue to your antecedent conduct; they take away the defence you mean to make, and ſhew that what your are ſaying for your client in the *bona fides* of this tranſaction was not the true motive, for the true motive cannot be conſiſtent with the ſubſequent conduct, and we make uſe of that ſubſequent conduct to beat down

your

your own evidence, which imputes, as it muſt, that motive which is the defence of the priſoner. That is the way in which they put their evidence, and I deſire to let what I have ſaid paſs for nothing, if it can he put by any rational man in any other ſhape, and I mean, as far as it goes, to do it juſtice.

Speaking of the Crown, I ſhall never attempt to degrade its prerogative. I ſhall, on the other hand, ſpeak like an Engliſhman, like a ſubject of this Country; and ſtanding as a lawyer in an Engliſh Court of Juſtice, I ſay that enquiry and accuſation, and the propriety of it, is one thing, and a conviction under it is another; and I am happy that when the defendant is acquitted, the Government is not lowered; that in times when one would wiſh to give ſupport and vigour to the Government and its authority, that a Jury, in acquitting a priſoner, are ſo far from making any attack upon the Government, by even a ſide-wind, that they ſupport their Country by ſupporting the laws; and inſtead of making this Country like a priſon-ſhip, if it was left in the midſt of diſtreſs, laden with a heavy revenue which would induce men to ſeek better Countries, where they might live ſafe, inſtead of rendering it a place that would invite emigrants from other Countries: but thanks be to God for the extraordinary proviſions his Providence has laviſhed upon this happy Iſland, we will ſupport the Crown and the laws; but we will make the laws dear to thoſe who are the objects of them, by the protection and the ſecurity which they beſtow: I am an advocate for nothing elſe. I ſay, that this letter, which I ſhall by-and-by comment upon, muſt be evidence. And now I am extremely happy that I am not found in any difference of opinion from the Court. I ſhould have been ſure indeed, if I had been ſo, that I ſhould ultimately have been found to be in the wrong—beſides that my experience is leſs, and my capacity never could be put upon any footing with thoſe who are now adminiſtering the juſtice of this Court.

It would have been an unfortunate thing in other reſpects, if the idea of the evidence and its nature had been at all diſputed or diſputable.—I collect, from what has fallen from his Lordſhip to-day, the propriety of that which I ſtood upon laſt night. I certainly

certainly did think that evidence admiſſible upon the ground upon which it was admitted, and which has been explained by more than a declaration by his Lordſhip to-day—has been explained by ſomething that is too ſtrong to be forgotten. Why, Gentlemen, it happens every day, in the very nature of human affairs, that when you are examining a tranſaction which has many parts belonging to it, and many perſons connected with it, you muſt begin ſomewhere. I have often been repreſſed both by Lord Mansfield and his Lordſhip. Why you will ſurely let the thing begin. If it does not afterwards come home to your client, you are not hurt. If, for inſtance, a houſe had been ſet on fire, the ſervants having, treacherouſly to their maſter, entered into a conſpiracy to rob and plunder it, and I am charged as a member of that conſpiracy, muſt not you prove the houſe was ſet on fire? Muſt not you prove the treachery of the ſervants? No doubt you muſt. But ſuppoſe my name did not appear, or it only appeared that one of theſe ſervants came and aſked a leather bucket of me, and did not even make me acquainted with the act which goes to the eſſence of that enquiry, am I to be affected by that evidence?

I have the volumes ſpread before me of the late trials at the Old Bailey; in which, in every part it will be ſeen; that all thoſe things were given in evidence which had no immediate connection with the priſoners, and the acts of perſons they had never ſeen. The Court ſaid, there are two branches of the cauſe; the firſt is, to eſtabliſh the general conſpiracy, and then to eſtabliſh who were the members of that conſpiracy; therefore to-day there has been a letter read, as found in the cuſtody of Jackſon, undoubtedly becauſe Jackſon is one of the perſons charged to be a conſpirator: but you muſt carry it a ſtep further, and muſt have the evidence to connect Mr. Stone with it. You could not give evidence that a clerk has written it, becauſe evidence that a clerk had written it might have infected the minds of the Jury, as if it came from Mr. Stone; but if it had the ſame impreſſion upon Mr. Stone as evidence, becauſe it was admiſſible whether it came from him or no, where would have been the delicacy of the Court upon the ſubject, as he muſt have an-

ſwered for all the conſequences of the paper, whether Galliers had written it with his maſter's conſent, or without it, or whether it came from another quarter which Mr. Stone had no connection with?—But that ſhewed the principle which is founded upon reaſon, and built upon humanity and juſtice—that in order to give the Court the full ſcope of the examination—that nothing may be paſſed by, not being able to ſee the whole ſurface—that we ſhould not be allowed to ſhew it in the light, becauſe even if you do, perhaps the bearings of different things may not be ſeen, and not be known; therefore the Court ſhould have before it every thing which can be connected with the ſubject.

When you are to deal out the juſtice of the Court upon the evidence, as it affects any particular individual as connected with that conſpiracy, you muſt form your opinion of him by the evidence, as it affects him, and comes home to his knowledge; for, that which was ſaid by the Court laſt night, I admit alſo. When you have done that, and eſtabliſhed a complete conſpiracy and guilt, then the act of one of the conſpirators is indeed the act of all. But we are examining here whether Mr. Stone has, in any reſpect whatever, done this thing.

Now, Gentlemen, in the letters that I have juſt ſtated to you, and which run, as I told you, from one to ten, written upon various ſubjects, the parts that relate to Mr. Jackſon are very few, and they are all in thoſe general terms; and there is a remarkable circumſtance in one, where he tells him that this Mr. Jackſon is coming: he ſtates to him the nature of the credit that he has upon him. Now this is a confidential letter: they are admitted all to be confidential letters; they are not colourable, or charged to be ſo, as my friend, the learned Serjeant, ſtated. It is a ſtriking inſtance of the real truth of this buſineſs. Jackſon had no other credit upon Mr. Stone than that which aroſe from the payment of ſums of money, to no great amount, in Mr. John Stone's hands. He then ſtates the ſums. After he ſtated the groſs ſum in Mr. Stone's hand as the baſis of credit, then he deducts from that credit the ſums he has received from abroad, and leaves the balance, 540 Louis d'ors; and Mr. Stone then gives him 20l. I think, and he takes his receipt.

Now

Now you obſerve, theſe papers were not found at Old Ford. Government ſaw, by the letters, that he had a credit upon Mr. Stone; and they were anxious, and juſtly ſo, to diſcover what the extent of that credit was, and what was its nature; no doubt expecting to find ſomething that would decypher the conſpiracy, and ſhew this man an agent of the French Government. Mr. Stone accompanies the meſſenger to his counting-houſe in Thames-ſtreet. The papers were opened; for they were all lying without the ſmalleſt concealment: and he expreſſed particular ſatisfaction at the finding of this account, as well he might; becauſe it ſhewed, what he had uniformly aſſerted, his own innocence of any intention againſt his Country, and ſhewed what very limited credit this Jackſon had upon him.

Let me ſuppoſe now that the cauſe reſted here; that the evidence had been the production of the papers, the parol evidence of Mr. Towgood, Mr. Sheridan, Lord Lauderdale, Mr. Rogers, and the other perſons called for the Crown, explanatory of the intention of Mr. Stone; that there was no one letter found in his poſſeſſion that could diſcover to him that Mr. Jackſon came upon the miſſion which is imputed by this indictment, and which conſtitutes the eſſence of the charge; that there was no probability whatever that there were other letters, becauſe all the letters were ſeized, and becauſe none have ſince been diſcovered.

Let me ſuppoſe further, that this account and this receipt had been laid before you in the manner they are now laid before you, not only in the evidence, but in my addreſs to you, and that there the caſe had cloſed on the part of the Crown, I apprehend I could have been called upon for no defence. I think not. I could not have been called upon for any defence, becauſe the Crown having aſſigned the motive of the act, which they did from the priſoner's own mouth at the time of doing it—having made that part of the criminatory evidence—having given the motive, and the explanation of it, together with the act itſelf, being, as my friend truly put it, totally different from the abominable acts imputed to Jackſon—inviting the French, by the naked and defenceleſs ſtate of Ireland, as oppoſed to the ſtate of

this Country, averting an invaſion of the French by the flouriſhing and united ſtate of England, the perſon himſelf not being impeached before you as a deſperate man, being ſuch as he is not now, a man in flouriſhing circumſtances of trade, happy in his family, and connected with many valuable friends. Alas! Gentlemen, it is called a deliverance that you are to give to him. Would to God I could call it ſo. It is a deliverance from this bar, but not a deliverance from priſon. I make no complaints: I have precluded myſelf, by all I have been ſaying, from making any. But ſurely it is a painful conſideration that, after all this unfortunate gentleman has ſuffered in conſequence of this charge being made upon him, that it has thrown his affairs into confuſion, that he has fallen and gone to ruin, and he muſt be taken from your bar when you have done what I am perſuaded your conſciences will ſuggeſt to you to do, and what as honeſt men you will be glad of an opportunity of doing, you are not to ſend him home, but to the priſon from whence he came, not as a criminal, but as a debtor! That is a misfortune that cannot alter your verdict, that cannot affect it; but I ſhould not think myſelf a man, I ſhould feel myſelf no man, if it had not come acroſs my imagination in a manner too forcible to be repreſſed.

I repeat, Gentlemen, if that were the evidence, what could you ſay but acquit Mr. Stone? You would ſay that he had done a thing with a good motive, becauſe a bad motive had not been ſhewn; becauſe the thing indicates a good motive; becauſe, in doing it, he had acted in a manner impoſſible for a man to act who had a bad motive; for I will put this—How could he expect ſafety?—Suppoſe we were to be told to-day what you have not been told; but ſuppoſe you were to be told by the Solicitor General, if he replies, after what my honourable friend, the Attorney General, has ſaid;—ſuppoſe he were to ſay, I do not look at your motives; the paper is enough; it is a communication to the enemy; that is treaſon.—Gentlemen, no man will ſay that, becauſe no man can ſay it, conſiſtently with his character; no man can ſay that in an Engliſh Court, conſiſtently with its laws.—Then if you are to take the act with the intention,

tion, who proves his intention? The Crown gives it you. Does it give it you unanſwerably? No; but it gives it ſo, that you, who have given it me, muſt take back the boon, by ſhewing other parts of his conduct; which involves him in a greater degree of turpitude, by adding plauſibility to internal treachery, and holding out a benefit to his Country when he was plotting its deſtruction. Is that impoſſible? No; I do not mean to ſay it is; but let us look at the probabilities of things.

God knows, the State Trials are well known to us; it is a wonder to me any thing elſe is known to us, for my learned friends and I have been ſo long upon them.—Let me hear, from all the volumes of our laws, and all the detections of crimes, and all the convictions of Courts of Juſtice, whether there be any inſtance of a man, in the act of committing a crime, going about to every man he meets, and telling him not only of the act which he has done, but the clue by which he might be immediately detected. Suppoſe Mr. Stone had been immediately arreſted in conſequence of what you have heard to-day being told; if the Secretary of State had arreſted him, and ſaid, I want to know from you who this American gentleman is; and he muſt either have given him up or himſelf; ſuppoſe he had ſaid it is Mr. Jackſon, they had put Mr. Stone in one priſon and Mr. Jackſon in another, and Jackſon had redeemed his life by impeaching Mr. Stone; all this he gives himſelf up to; he has not an hour to live; nothing but the conſciouſneſs of his integrity, and the conviction that he has nothing to conceal; but that he knew here was an American gentleman who had an intimacy with his brother at Paris, and who had concerns of his own. I will ſhew you it is abundantly clear from the evidence, that there muſt have been ſome application made by Mr. Jackſon to Mr. Stone to embark his fortune in ſome illicit and clandeſtine trade, and to aſſiſt him in commercial views he had of that nature; and that Mr. Stone would not comply with it; for what is the evidence of Mr. Cokayne, who has been examined to-day and yeſterday. I do not know whether you ever read the trial in Ireland, when almoſt a whole day was conſumed in pulling that man to pieces; charging him with having gone over

there becauſe he was an accomplice in the crime; charging him with having been indicted and narrowly acquitted of perjury; and, in ſhort, ſo many circumſtances attending it, that Mr. Attorney General with great propriety ſaid, that he was a witneſs who moſt undoubtedly ſtood under ſuch circumſtances that it would be the duty of a Jury to guard, unleſs he was corroborated in his evidence by thoſe materials which, I admit, he was corroborated by.——

Mr. Attorney General. With reſpect to the perjury, it is due to the character of the gentleman to ſtate, that I underſtand there has been an accuſation of perjury, in which he was moſt honourably acquitted.

Mr. Erſkine. I was going to do juſtice to Mr. Cokayne, who will be the firſt man in Court to know that I intend to do him juſtice; becauſe I have no reaſon upon earth to do him otherwiſe than juſtice; and I ſhould think it unworthy and unmanly if I were to act otherwiſe. What did it import upon the trial in Ireland?—It imported, that they who conducted Mr. Jackſon's defence knew they muſt pull down Cokayne, or Jackſon muſt fall; they knew that his innocence was incompatible with Cokayne's evidence; they knew Cokayne's teſtimony, if believed, muſt convict him of the Treaſon; whereas, my friend who ſits by me knows the truth of what I ſay, that of my own private knowledge I have reaſon to ſuppoſe that Mr. Cokayne did not go there from any particular willingneſs to convict that man; that we did not think that his evidence was at all neceſſary to be ſhaken, as affecting the life of our client; and we thought that it would ill become us, when we were aſking a charitable conſtruction of the conduct of the defendant—when we were aſking you to give your verdict upon Chriſtian charity, that we ſhould ſet out by defaming other men, and endeavouring, by light ſuſpicions and conſtructions, to deſire you to convict Mr. Cokayne of perjury. I never had that in contemplation: I think that a man's being charged with a crime, and being acquitted of it, certainly ought to leave no ſtain, unleſs it could be ſupported by other circumſtances which I am not acquainted w..h, and which I never had an idea of ſtating.

Then

Then what is the conſequence, if you could not be aſked by the Counſel for the priſoner here, earneſt as they muſt be to keep guilt at a diſtance, knowing that Jackſon's anſwer to him was neceſſary to bring guilt home to our client—knowing that his guilt was a ſtepping-ſtone to advance to effect the guilt of our client; ſo much did we feel of the real principles of Engliſh juſtice; ſo much did we know that men muſt be conſiſtent in their character, that, when calling upon a Jury, as I do upon you, in the name of God, not to confound ſuſpicions with facts, and not to advance the ſuſpicion an inch beyond the line where the evidence gives you light to walk by. So much did we feel it neceſſary to ſtand upon our own innocence, that we thought, with my honourable friend who ſits near me, and the excellent aſſiſtance we have in the friends who ſit behind us—we thought it our duty to ſtand upon our own innocence, and let Jackſon take the conſequence of his conduct, whatever it might be; and as we knew his conduct was not and could not be connected with Mr. Stone, that we beſt conducted ourſelves in the line we have this day purſued.

Mr. Cokayne is a very ſtrong evidence indeed for me: this is a friend of Mr. Jackſon's—ſo much ſo, that he repoſes unlimited confidence in him; he tells him that he is a debtor, and that his creditors are at his heels; he deſires him to permit his letters to be addreſſed to him, that his name and character may not be traced: he was more than that—he is ſo much in his confidence, that when he accompanies him to Ireland, where, for the firſt time, his Treaſon comes out—he had not been in Ireland a day, as appears by the trial, before you find him cabaling with perſons there to bring about an invaſion of that Country. Yet what is the conſequence here?—does he name Mr. Stone?—has it been proved, in all the examinations, either in Ireland or here, that Mr. Cokayne ever heard the name of Mr. Stone mentioned as being connected with Mr. Jackſon? They might call him now, and aſk him that queſtion, becauſe I know the anſwer he would give: I have reaſon to know it. Why then, if Mr. Cokayne never heard Jackſon mention the name of Mr. Stone, and if it appears only that he wrote that letter

(which was afterwards intercepted) by the deſire of Jackſon, if he did not know himſelf what was the miſſion of Jackſon while in England, what colour is there to ſay that Mr. William Stone knew it?—is it proved that he knew it?—if it is, ſhew me the evidence, point out the page, tell me what it is that marks his miſſion, and what the evidence by which you can eſtabliſh it. But it appears, on the contrary, that Mr. Stone did not fall in with the commercial ideas of this gentleman; ſo far from it, that he informed Mr Cokayne, as Mr. Cokayne ſays in his examination—Jackſon told me he wanted to eſtabliſh commercial tranſactions in England: I did not know his intention of going to Ireland: he was afraid to write himſelf, becauſe, if his hand-writing was known at the poſt-office, his creditors might be troubleſome to him: he aſked me whether I knew of any merchant that would ſupply the French with proviſions; that he had an unlimited credit for any quantity of proviſion.

Now mind this:—although they could ſhew that Mr. Stone was engaged in aſſiſting the enemy by furniſhing proviſions; that would not convict upon this record; for it is not the overt act charged; but it would connect him with other things: had he any ſuch credit upon Mr. Stone, he did not ſucceed here; perhaps he expected he ſhould. What is it to me, even if Hurford Stone had given Jackſon reaſon to expect that his brother would enter into his views, if you could be convinced from Hurford Stone's letters that that was his purpoſe in ſending him, which does not appear—that he expected that his brother would fall into his criminal views: ſo much for Hurford Stone, if he ever returns into this Country. But that is nothing to the priſoner, unleſs you can ſhew he did fall in with his criminal views.

Jackſon tells Mr. Cokayne, an attorney of the Court of King's Bench, a man undoubtedly in no circumſtances whatever to advance a ſhilling—in no circumſtances to know any thing of the commercial condition of Ireland, that he had not ſucceeded in his plans here; and he never ſtates any other plan, never mentions the name of Mr. Stone to him, nor in any of the converſations with Hamilton Rowan and Tone does he ſay, then—Why you have only to write over to Mr. Stone, and he will

will furniſh you with money, in order to ſend over to the French:—not one ſyllable like it, poſitively—No. When I ſee a man coming as a ſpy, to take away the life of a man, why I deal with that perſon according to the opinion I form of him; but I do not conſider every man as neceſſarily in that ſituation becauſe he lends his aid and aſſiſtance to Government: therefore I do not chuſe to be raſh in my concluſions, becauſe I would not have you raſh in your concluſions. Whilſt Mr. Jackſon was in Ireland, with Mr. Cokayne at his elbow, Mr. Stone was remaining here, part of the time a priſoner, and his trial and deliverance waiting the conſequence of Mr. Jackſon's trial; during all that time the poſt-offices of the Kingdom (or they are very unfit public-offices for ſuch a Kingdom) were open to the enquiry of the King's Miniſters, to take care that the Treaſon that was then under examination ſhould not be proſperous; is there a ſyllable of it?—is there any parol evidence to that purpoſe?—does Mr. Cokayne, directly or indirectly, ſay it, or is it in the Counſel's inſtructions to aſk him any ſuch queſtion?—No!

Then, Gentlemen, what account will you give to the world of the tranſactions of this day, if you were to ſhed the blood of a ſubject of this Cquntry upon ſuch teſtimony as this—for doing an act *prima faciæ* beneficial; which, if it produced the effect (which I do not know that it did or could) would have been beneficial indeed, for the doing of which no motive can be aſſigned but the motive aſſigned by the priſoner, becauſe his own deſtruction would have been involved in the deſtruction of his countrymen; for he was in no ſituation to receive any ſecurity againſt that which would be deſtructive to others; he was a man at that time engaged in many commercial tranſactions, which could not have been wound up, and a company of armed men is one of the laſt accountants with whom a merchant would chuſe to ſettle his accounts: a man not proved to be at that time in deſperate circumſtances—not diſaffected to Government; there is not a ſingle act or expreſſion in his life of the kind, and yet not a tittle of that evidence goes to prove that.—I am ſtating the evidence of the Crown: a caſe made from the very teſtimony

teſtimony which alone can convict, but which, on the contrary, entitles him to great approbation, were it not for the irregularity of his conduct.

Mr. Sheridan and thoſe gentlemen ſtated their reaſons; and Mr. Rogers particularly ſaid—Theſe are times in which I don't like to be buſy; I mean well, but don't know but that I may have enemies that might ſuggeſt that I had done this for an improper purpoſe. Why, notwithſtanding Mr. Stone knew theſe ſentiments, which were extremely probable, that other gentlemen, for their own ſecurity, not ſecurity againſt Treaſon, but their own ſecurity in private life, which is neceſſary for men to regard who mix in political affairs, that they may not give their enemies any opportunity of ſuppoſing that they mean amiſs. We are but too apt to impute bad motives: and the reaſon why there is ſomething ſo lovely in a Court of Juſtice is, that men are there what they ought to be. We are not ſo, I am afraid, in the common concerns of life, for we are too apt to impute bad motives to others, always taking every thing in the extreme againſt each other; thoſe who have any particular opinions concerning politics, are extremely apt to deal out their cenſures with an unſparing hand; thoſe, on the other hand, who chooſe to maintain their previous opinions, have as little mercy on thoſe who oppoſe their meaſures: the truth lies between, and many excellent and good men are always to be found on both ſides of every political controverſy; and therefore you are not to think of Mr. Stone amiſs, becauſe he is ſtated to be a man who gloried in the original part of the French Revolution. It would be idle in me to waſte the time of a Court of Juſtice upon theſe ſubjects: I will not do it—it would be indecent to do it: but all I have to ſay is this, it is ſtill more to his honour that, though of an enthuſiaſtic temper, and though at a time when it was difficult for the wiſeſt men to diſcriminate, without expoſing themſelves to cenſure, even at ſuch a time, Mr. Stone, with ſuch a temper and with ſuch principles, ſo completely guarded his conduct, that he has not been a ſubject of ſuſpicion, nor has he ſaid one thing that impeaches his loyalty.

Gentlemen many men might be brought, who think that

loyalty conſiſts in what I think it does not—I think it conſiſts in ſupporting the liberty of the Country, and ſupporting the Conſtitution in the freeſt and moſt complete manner that the Conſtitution of a Country can be ſupported in; that is not all, you find Jackſon writing abroad, and there is another part of it which ſhews you how neceſſary it is to read things at length—if you take a long correſpondence and only underſcore a ſmall part of it—I am not blaming ſuch conduct, perſons muſt marſhal their own evidence, and point out what they wiſh to read—but if in a correſpondence of a year, you were to look only at thoſe things that relate to Jackſon, you would ſuppoſe him the whole burthen of the correſpondence—that he was ſome great character, and that all other concerns were ſwallowed up in the importance of his miſſion, but the contrary is ſo much the truth of the caſe, that I cannot omit reading you a part of that letter, if I can find it.

He ſays in the very letter in which he announces Jackſon—"he will open to you a variety of buſineſs, of which my reaſon "for your parting with Old Ford houſe is of the ſlighteſt im-"portance." So that though he is conſidered to be coming over for the mere object of an invaſion, and that Old Ford houſe is to be parted with becauſe of that invaſion, yet that the coming of Jackſon and all that relates to that ſubject, is of the ſlighteſt importance when compared with ſome propoſals of a commerce, which it appears were not at all accepted, nor does any thing of the ſort ſeem to be paſſing between Mr. Stone and him.

Now what is the moſt remarkable of all is Jackſon's letters, he writes that an invaſion here would produce univerſal panic, that is quite at croſs purpoſes with any thing Mr. Stone ſaid, and they do not charge Mr. Stone with having ſhewed one paper in order to make the people here believe that he was endeavouring to avert an invaſion, while on the contrary he was endeavouring to promote one, and had ſent a counter-paper differing from that which he had ſhewn, ſtating the weakneſs of England, and inviting an invaſion. Is that ſo? Mr. Vaughan's paper is altered by Mr. Stone, and in what reſpect is it altered—there is

one

one part ſtating the weakneſs of England, on account of the ſmall numbers of troops we have in the Country, except a few cavalry upon the coaſt; Mr. Stone thought that not a thing to be expoſed, he ſcratched it out, and the papers now as exhibited in Court, differ the one from the other—his edition if I may ſo call it of that paper, having left out of it that which Mr. Vaughan had improvidently put in.

The anſwer to this caſe would almoſt ariſe out of the evidence of the very firſt gentleman who is ſelected for examination, if there had been any thing in the conduct of Mr. Stone like what it is ſtated to be by this indictment, would Mr. William Smith have been the man? Why, Gentlemen, Mr. William Smith is a man of immenſe fortune, I could not aſk him to tell all I knew, without aſking him concerning his great wealth, and when all that wealth or great part of it is inveſted in the public funds of this Country, he is a man whoſe fortune would be demoliſhed, undone, and deſtroyed, by even an unſucceſsful invaſion—he is a Member of the Houſe of Commons, a man of family, lives in a high and elevated ſituation in life, and has nothing to look for from fiſhing in troubled waters; would ſuch a man as that be the firſt perſon fixed upon by a man who was meditating a treaſon and without the ſmalleſt injunction of ſecrecy, and that the conduct of Mr. Stone ſhould make that impreſſion upon Mr. Smith, which I could not aſk him, but which I was told you would collect from this, that Mr. Smith inſtead of ſaying—Sir, I hope you will pardon me, you have preſumed to open ſomething that alarms me, I hold it my duty to go to the Secretary of State to inform him, if you can clear yourſelf from that imputation do ſo; inſtead of that, Mr. Smith writes a paper of the views he entertains upon the ſubject, not a paper of reprehenſion of Mr. Stone's conduct, and ſo certainly did the Law Officers of the Crown know the opinion Mr. Smith entertained, that when I ventured to aſk him what impreſſion it made upon his mind, which though not a legal queſtion, the gentlemen on the other ſide might have waved the objection to, as I waved the confidence to day in a letter that was ſent to Mr. Pitt, and thereby admit that queſtion without any

infringement

infringement upon the rules of evidence; it is pretty plain therefore, what they conceived the witneſs's concluſion would be, or it would not be neceſſary for the Crown to employ ſo much tenderneſs, as to object to an imprudent and improvident queſtion. This applies alſo to all the others.

It ſeems there was an addreſs left, that in the firſt ſtate makes an impreſſion, I do not mean in the opening, but when it is given in evidence, that when Jackſon goes away he leaves a piece of paper with two addreſſes upon it—what then would you in a caſe of High Treaſon ſay, (I am going on by ſteps in order to ſee where it is that the criminatory matter begins, and how far it goes) would you ſay, that a man whoſe miſſion it is not taken upon the evidence that I knew, that I am ſtill to be taken to know it, becauſe letters were addreſſed to me that were ſent abroad, which letters came to the hands of perſons abroad, were returned here, and are now in the cuſtody of the Miniſter of the Country, which letters would have come (provided they had not been intercepted in Ireland) through the medium of thoſe very addreſſes which were left by Jackſon, for in fact no letter did come ſo as to alarm Mr. Stone, or make him look at the ſignatures.

Suppoſe I were ſtanding for my life here, and a perſon at Briſtol had ſent up his letters encloſed to me, and deſired me to forward them to different parts of the Kingdom, that this man was my friend, and I had been connected with him in various things, ſo as to give a veriſimilitude that we were connected together, could it in common ſenſe be ſaid, becauſe a plot was found contained in theſe ſealed letters which were intercepted before they came to my hand, that I am to be convicted of High Treaſon becauſe a man who meditates Treaſon, but who it is not aſcertained by the evidence had even the meditation himſelf till after he left me, who am not proved to have been connected with him upon the point of the conſpiracy at all—that becauſe he leaves with me two addreſſes, though nothing came to my hand in conſequence of them, that theſe two naked addreſſes, the names of two perſons who are not proved to be known to me, or that I ever correſponded with them, are to faſten the pains and penalties

of death upon me—I will therefore relieve you from any further conſideration upon that.

We come now then to that which conſtitutes the gravamen of the cauſe, and which furniſhes the propriety of the Crown's interference, for as the Court ſay every day, whenever any ſuſpicion attaches upon the character of a magiſtrate or a man, the Court does not ſay that this man is guilty, but they ſay there are circumſtances that ought to put this into a courſe of enquiry—Gentlemen, you are to recollect the ſituation in which we have ſtood, we have had no papers whatever given to us—I do not mean to charge the Crown with want of candour in that reſpect, for I have no right to call upon the Gentlemen to deviate from the uſual track—though perhaps this was a caſe which might admit of ſome deviation—whether it would not be wiſer and better, that papers which are ſeized ſhould be in ſome public depoſitory, as far as they were papers that were not meant to be abſolutely the evidence in the cauſe, in order that perſons might have an opportunity of ſquaring their defence by their own conduct, which they cannot remember with accuracy at a diſtant period. Suppoſe a letter, which thank God there is none, for nothing can confound innocence, that is the advantage attendant upon innocence; when guilt ſtands in a Court, it trembles at every blaſt, ſomething may be behind which when it comes forward cannot be anſwered, but where innocence is, that is the mantle of the prophet. Let us ſuppoſe that a letter might come, which would carry a dark complexion with it, but yet might be as clear as day, provided you had got at another paper which we had no acceſs to—a man might ſuffer death becauſe he could not make his defence.

We all know, that upon the trial in Ireland, every man put his own comments upon theſe letters, and the name Nicholas was ſuppoſed to mean the French Miniſter of War, and after the man might have been ſwinging three or four months, it turned out to be Nicholas Madgett; it ſhould therefore act as a caution to perſons when they become decypherers of letters, in a matter of blood, not to make conſtructions upon things which they will not bear—not that I mean this as an attack upon the Officers of the Crown

Crown in Ireland, who I am perſuaded are moſt honorable and deſerving men.

Then comes the firſt letters, my learned friend the Serjeant ſaid there were three in number, and I improperly, moſt undoubtedly from my zeal, ſitting by him corrected him when he was in the right, but I thought I was in the right, becauſe it was giving the name of a letter, which it hardly deſerved, to one of them, for it is nothing but ſending a cloſed letter with a direction, and therefore I thought it hardly deſerved the name of a letter; but in correct ſtatement there certainly are three letters, two from Mr. Stone to Mr. Jackſon, and one in anſwer to Jackſon's letter.

Gentlemen let us pauſe here a little—let us ſuppoſe that theſe letters had not been produced to you, and that I were now (having made the obſervations, which I am afraid I have at too great length troubled you with) to conclude with a few general obſervations, and call upon you for fair and Chriſtian charity to be exerciſed in the diſcharge of the duty which you are now called upon to fulfil. Gentlemen, I pauſe at this place, becauſe you muſt ſee what effect and operation theſe letters neceſſarily have, before they can work that which the Crown muſt work by them or fail. It is not for you, when you have read theſe letters, to ſet yourſelves to ſuſpect, to ſet yourſelves to conceive, to ſuppoſe that the priſoner is guilty; but the queſtion is, whether from all that has been proved by the evidence for the Crown he is guilty, for they muſt prove the fact charged, not we the negative of it.

My learned friend ſaid—in the true ſpirit of his feelings I am perſuaded he ſaid it, that he hoped in God we ſhould be able to do this and to do that—I thank God that my learned friend has not been able to do that which calls upon me to do any thing more than I have done—that is to ſay, to aſk you the Jury, (whether after what you have heard from my honourable and excellent friend who preceeded me, and which renders it I admit an abuſe of your time and patience, for me to have ſpoken at all) what it is that the Attorney General muſt accompliſh by theſe letters, or he does nothing at all; he muſt contend that theſe letters written as they are written, enable you not to ſuſpect, not to believe, but enable you ſpeaking each man ſingly for himſelf,

to

to pronounce on a trial for life and death, under the mild and charitable laws of our fore-fathers, and in the execution of a ſtatute which guards the life of the ſubject, by all the means which a wiſe Government employs in the protection of perſons againſt attacks from the State, becauſe they are attacks which can leaſt be defended againſt and ſtruggled with by the ſubject, who is therefore entitled to extraordinary coverings and protection, which are not requiſite in any other caſe—proofs that enable you to pronounce that the thing muſt be done, not probably, but provably with all that demonſtration that moral ſubjects are capable of arriving at; do theſe letters accompliſh that—now let us try that propoſition.

Mr. Jackſon, we learn from the evidence, left this Country with Mr. Cokayne his confidential attendant, who knew nothing of his miſſion to Ireland, and to whom he had never mentioned Mr. Stone's name, and they were not antecedently connected, as appears by the evidence, but in the courſe of the different letters from Hurford Stone, announcing him to Mr. William Stone here, Mr. Jackſon goes over to Ireland, he is the perſon who writes firſt, and there can be no doubt that, although Mr. Jackſon could not prevail upon Mr. Stone to have any connection with him in affairs of commerce, Mr. Stone might ſuppoſe he had affairs to tranſact in Ireland. This is the letter.

" Dublin, 5th April, 1794. Dear Sir, owing to a variety " of incidents, which I will explain when I have the pleaſure " of ſeeing you, I have been prevented writing until the preſent " moment—ſome very excellent friends to whom I owe moſt " ſingular obligations, being apprized of my arrival, have en- " deavoured to render me ſervice, and were their power equal " to their wiſhes, I am confident I ſhould experience the " benefit of their good intentions; accepting as I do the will " for the act, they have a claim on my gratitude." " I muſt " requeſt you not to make uſe of any of the addreſſes I left you, " the price and nature of the articles being entirely changed."

Now they ſay this has nothing to do with commerce, but this is a maſked way of deſiring him not to make uſe of the papers upon

upon the ſubject of the invaſion that he left with Mr. Stone. Why they were gone before, therefore, it could not belong to it; it has no connection; he goes on, " I requeſt, my dear " Sir,"—I beg your particular attention, Gentlemen, to this —" that you will dedicate an inſtant, on the return of the poſt, " in acknowledging the receipt of this letter, and if you have " any letters from the family at Shields which regard their affairs " in this Country, you cannot too ſoon incloſe them to me, as " the aſſizes at Cork are about to commence."

You ſee it is aſked—and if the burthen were caſt upon me, I might take up that burthen and carry it—to ſtate by what means Mr. Stone knew that the family at Shields meant the people of France? Why, Gentlemen, you know that Mr. Stone had long been accuſtomed to correſpond with his brother, and he had his letters opened upon various matters relative to their own affairs in France. This Mr. Jackſon came from France, he might have many affairs which he was anxious to know about, as belonging to France, which Mr. Stone might have an opportunity of informing him of, and they might have agreed for any thing I know, that the family at Shields might mean France. I have nothing to do with whether my gueſſes are right or wrong. The defendant is not to be acquitted by my gueſſes, but to be convicted by force of the evidence for the Crown. Obſerve the anſwer, ſee if any thing in the world can be more ſtriking, that though Mr. Stone collected from the letter, if you will have it that he did ſo collect, and will have it that the family at Shields meant France, even then the other and moſt material part of Jackſon's letter is unintelligible to Mr. Stone, it receives no anſwer from him—" And if you have any letters " from the family at Shields which regard their affairs in this " Country, you cannot too ſoon incloſe them to me."

Now if Mr. Stone had anſwered—I long to hear how the affairs of the family at Shields go on in Ireland, I have had no letters yet upon that ſubject, but expect ſome, and will ſend them when the aſſizes at Cork commence, and had gone into all that matter by which you could ſee—not that he had reaſon to ſuſpect what Jackſon meant by Shields, but that he knew what

was the buſineſs of the family at Shields, in Ireland. In Mr. Stone's letter there is not a ſyllable that applies to that interrogatory put by Jackſon, and I will read it to you; he ſays thus—" I have not made uſe of what you left with me." Now that cannot mean the addreſs, that cannot connect itſelf, therefore, with the ſubject of this indictment. Then he ſays, " What " a wonderful change there is in the family." Now ſuppoſe this family is France—" will it tend to good, I confeſs I think " better of it now than before; I want what you poſſeſs, a " knowledge of the ſeveral branches of it, to form a proper " judgment of their conduct in the laſt fracas."

You obſerve, there is not one ſyllable in reply to any affairs in Ireland; not a ſyllable belonging to it, directly or indirectly; but only, if it does apply to France, that which negatives the charge. Will (ſays he) this change be for good? He ſtates the very ſame thing; he tranſlates his own letter, ſuppoſed to be a cypher, and ſeems to intimate that nothing could make it worſe; and yet this unfortunate gentleman, who, in anſwer to a perſon connected with France, who chooſes to put that paragraph in his letter concerning the affairs of Ireland, gives him no anſwer, nor any thing that can lead the human imagination to gueſs that he could know the meaning of that part of the letter, becauſe he ſpeaks of the French Government as a Government of evil. He ſpeaks of the French Revolution as likely to be better for the change; yet, before that time, he is ſuppoſed to have made up his mind to put all that was dear to him under the ſword of a nation that had neither laws nor government which could protect its friends, or ſecure itſelf from the gripe of its enemies for a moment. He was enthuſiaſtic, as to the principles which led, and which may ultimately in the Providence of God lead, to the univerſal good and happineſs of the human race, without diſturbing any of the Conſtitutions of the world; for, thank God, Conſtitutions do exiſt, and happily exiſt, under other forms; and he muſt be a fool who thinks that the goodneſs of a Government depends upon its forms; no, it depends upon its ſubſtance. Was Mr. Hurford Stone proved to be an agent of France?—It appeared that even after Jackſon was in

England,

England, he was in alarm for his own ſafety; that he was an object of ſuſpicion: and all his letters even from Mr. William Stone were open to the examination of the French Government. And the priſoner, in this very letter that is to lift up the fatal axe which is to fall upon his neck if you put the conſtruction upon it which you are aſked to do by the proſecutor, condemns the Government of which he is ſuppoſed to be ever the determined ſupporter. He ſpeculates—Will it come to good? Will it purify the Government, and make their conduct leſs exceptionable? And yet he is ſuppoſed to be ſo raſh, ſo mad, ſo diabolical, without any evidence to ſupport that ſuſpicion, as to ſay, I expoſe my wife and my children to the raviſhings of the ſoldiery; I expoſe my houſe, from the love of this very Government, to their pillage, their brutality, and their fury; I ſubvert the noble and ancient Conſtitution of our fore-fathers, all that is auguſt and dignified in human life; I ſet myſelf up as a ſpectacle of infamy, as a man to be abhorred of all, and a man to be deteſted by all future generations; all this I do, though I have no motive for doing it; it is a noble ſpirit of independance, an independance of all the principles of human action, a diſconnection with all the principles that govern mankind; a total divorce from all that diſtinguiſhes us from the beaſts, and all that diſtinguiſhes this Nation from every other.

All this is to be preſumed, without any thing that can be called by the name of evidence to prove it, indeed in the teeth of evidence; and all the principles of evidence muſt be violated, in order to convict this gentleman.—I am ſure it is impoſſible that this could be accompliſhed; if it could, I ſhould care little about an invaſion; if it could, I ſhould ſay, let the French come when they pleaſe; I cannot be worſe for their depredations; it is better we ſhould have an invaſion from any quarter in the world, aye from the ſavages, who know no law, than to ſee a period when Juries had forgotten, when Courts had forgotten all the principles of evidence, though they were the great ſtandards of our ſecurity, the pride and glory of our Courts of Juſtice, and the moſt majeſtic fabric of human wiſdom which the tradition of ages, without the help of poſitive inſtitution, had handed down

for the happineſs and dignity of mankind, that they ſhould deliver over to criminal juſtice men who are proved upon the evidence to have done an irregular act from the overflowing love of their Country.

Gentlemen, there are a great many other matters which I will deal with as they have been dealt with already. If Mr. Stone is the innocent man which I think him, and which in priſon he has repeatedly called his God to witneſs, when he has aſſeverated his innocence, as he had done before his Majeſty's Privy Council, and has done in every part of the caſe; if he be that innocent man, how am I prepared to tell you what belongs to letters that he did not receive, and to the conduct of men whoſe actions were never ſubmitted to his conſideration, not being in concert with him.

If becauſe Jackſon wrote theſe letters, and becauſe they are admiſſible as evidence upon the principle I before ſtated, therefore they make Mr. Stone at once reſponſible for all Jackſon has been reſponſible for, in God's name what have we been about for two days? For the moment his Lordſhip admitted the paper, and the quality of the paper no man can deny, it is a common ſylogiſm Jackſon is a traitor—if he is a traitor, you are a traitor; *ergo* you are a traitor. Then lay down all your papers, and give your verdict. That muſt be the courſe of the cauſe. But when it has been admitted and known, and the contrary cannot be denied, that thoſe acts which affect Jackſon can only affect Mr. Stone, as he can be connected in their turpitude, as he can be conſidered as the man who ſet him in motion, or acted with him when he was in motion, knowing to what Jackſon's miſſion tended, and intending to give effect to the criminal intention he was engaged in.

Gentlemen, I want to impoſe no ſnare upon your conſciences, or to lead you to conſider that there is a greater duty impoſed upon a Jury to acquit, than is impoſed upon a Jury to convict. No; the ſame duty which calls upon a humane and merciful man to acquit, when he has a caſe that can enable him to deal out juſtice with mercy, calls upon him, where there is undoubted evidence of guilt, to convict. In ſuch a caſe mercy can have no

entrance, but can only flow from the Crown, in which it is placed when the criminal is delivered into the hands of his Majeſty, whoſe attribute is that of mercy.

Gentlemen, you muſt conduct yourſelves, as his Lordſhip has frequently ſaid, like firm men diſcharging your duty as your conſciences and oaths require. That is a ſentiment which I am not always called upon to deliver; and I know, though it is a ſentiment that is juſt, yet a man might be placed in ſuch a ſituation, that it would not be convenient for him to ſay that, becauſe it would operate againſt himſelf. But when I ſtand in a caſe where it is impoſſible, conſiſtently at leaſt with the views that I have of this caſe, (and I have endeavoured to underſtand it) and as far as I am acquainted with the rules of evidence as applied to this caſe, unleſs my zeal has tranſported me out of the reaſon which I otherwiſe ought to poſſeſs, and has made me ſee this caſe in a diſtorted point of view, ſo as to repreſent it to you in a light that it will not bear, I think that your clear duty is to acquit the priſoner, and upon this ground, becauſe it is neceſſary for the Crown not to raiſe up a ſuſpicion or imagination of guilt—not to put a cloud ſo thick over part of the tranſaction, that you can hardly know which way you are walking through it—but that you ſhould ſeek the light, and judge at leaſt on which ſide is the balance of evidence, ſo as that, in the language of the Attorney General, which I repeated before, and which cannot, to his honour, be too often repeated, you may be enabled to give that verdict of acquittal which will make every man happy when it is delivered.

REPLY.

Mr. Solicitor General.

Gentlemen of the Jury,

It now falls to my lot, after a very intereſting trial, to delay you for ſome time longer with ſuch obſervations as I think neceſſary to make upon the whole evidence, as it now ſtands before you, and in reply to what has fallen from the Counſel for the priſoner.

Gentlemen, notice has been taken of the length of time which has elapſed ſince the priſoner's arreſt, and before this matter was brought before you. This in part, you have been informed, was owing to the priſoner himſelf; to his putting off the trial. For the reſt, it has been owing ſimply to this circumſtance;—that until after the trial of Mr. Jackſon it was impoſſible to bring on this trial. You will be aware of the utter impoſſibility of bringing on both trials at the ſame time, conſidering the nature of the evidence which has been given; and twice Mr. Jackſon deſired the indulgence of the Court in Ireland, that his trial might be put off on account of the abſence of material witneſſes. That, and that only, has occaſioned the delay in this trial. Every part of the evidence, as has been obſerved by the Counſel for the priſoner, was in the poſſeſſion of the Crown immediately or ſhortly after the priſoner was taken up. The delay, therefore, has been wholly involuntary. I admit, if the priſoner is innocent, it has been extremely unfortunate for him; but it is a misfortune which the neceſſary indulgence to another perſon made unavoidable.

Gentlemen, upon the ſubject which you have now to diſcuſs, you have been told, that you are not to judge upon light conjecture, or upon thoſe concluſions which may be offered to you by the extreme of ingenuity. I certainly admit, that you are to receive reaſonable ſatisfaction of the guilt of the priſoner, before you find him guilty. You are to receive that impreſſion upon your minds which ſhall diſpoſe you with ſafe conſciences (if that ſhould

ſhould be your judgment) to convict, before you ſhall convict; and I cannot diſſemble to you, that myſelf, as well as every other perſon, muſt have, as my learned leader obſerved to you in the opening of this caſe, a real pleaſure if we ſhould depart this Court *convinced* that the priſoner is innocent. At the ſame time, Gentlemen, I feel it my duty, ſtanding in the ſituation of Counſel for the proſecution, to ſay, that at this moment I feel no ſuch conviction: if I am wrong in this opinion, I ſhall neceſſarily be corrected by the learned judge.

Gentlemen, I am not in this caſe to ſuppoſe that men are to be perfect—that they are to be free from all indiſcretions; that even men of conſiderable talents, and conſiderable abilities, ſhould never have an indiſcrete moment. I am not to forget—and my friends have told me not to forget—the nature of man, but to remember him with all his imperfections. Still I muſt obſerve, that if there never was indiſcretion, guilt would rarely come to light; that, generally ſpeaking, it is ſome indiſcretion that betrays guilt, and brings it to public puniſhment.

My learned friends have now, at this period of the trial, ſaved me a great deal of trouble; for they have not attempted—and herein they have acted with great prudence—they have not attempted to diſpute the guilt of Mr. Hurford Stone. The evidence which has been laid before you upon that ſubject was ſo cogent, that I conceive it was impoſſible for them to diſpute it. They have not diſputed the object of Mr. Jackſon in coming to this Country, and afterwards in going to Ireland.——

Lord Kenyon. If the priſoner has any thing to ſay to the Court, the ſeaſon would be before you make your reply.—I do not know whether he means to do it.

Mr. Stone. My Counſel have conveyed my ſentiments.—I am fully ſatisfied with their exertions.

Mr. Solicitor General. They have not diſputed that the object of Mr. Jackſon, in coming to this Country, and afterwards in going to Ireland, was to procure intelligence for the uſe of the Government of France. That that was his object, the evidence has moſt abundantly proved; and I ſhall not ſtate it to you again. The evidence, as I conceive, has alſo abundantly

proved a great deal more; and the true queſtion which you will have to try is, whether Mr. Stone, knowing the object of Mr. Jackſon—in the whole, or only in part, if in that part it amounted to the degree of criminality imputed to it by this indictment—whether, knowing that object, he either aſſiſted in attaining the object; aſſented to the attainment of it; received Mr. Jackſon, knowing him to have that object; or ſo far concurred in it (concealing his knowledge of it) as to make the offence not merely concealing, but aſſenting to, the Treaſon of Mr. Jackſon. If he did ſo far concur, he is guilty of that offence which conſtitutes the crime of High Treaſon. For although certainly the mere ſimple knowledge, from a ſingle communication, of the treaſonable intent of another, is nothing more than what the law calls miſpriſon of Treaſon, yet, if the perſon to whom ſuch a communication is made goes one ſtep further, if he gives *any degree of aſſent* to that treaſonable intent, the crime of which he is guilty aſſumes a deeper dye—it is the crime of High Treaſon; much more if he aſſiſts in the execution, in the attainment of the object, *if in any degree* he participates in it.

Gentlemen, the object of Mr. Jackſon, I obſerved, cannot be doubted: Mr. Stone's acquaintance with that object, to a certain point, cannot be doubted: his aſſiſtance in the attainment of that object, to a certain point, cannot be doubted: the only queſtion which it ſeems to me can poſſibly be made, is this—*Whether he aſſented ſo far, and with that degree of knowledge which was ſufficient to make him partake in the guilt of Mr. Jackſon?* The aſſent neceſſary to conſtitute the crime, I obſerved to you before, under the correction of the Court, I conceive to be—*any degree of aſſent to that which was a criminal object in Mr. Jackſon, and known to Mr. Stone to be the object of Mr. Jackſon.*

Gentlemen, the nature of the caſe made for the defendant has certainly admitted a conſiderable degree of indiſcretion in Mr. Stone. But it is ſaid, it was mere indiſcretion, and no more; that his objects and his views were good; that he was acting miſtakenly, perhaps, but that he meant to *ſerve* his Country, and did not mean to *injure* it; that he therefore *in no degree aſſented to the Treaſon*

of

of Jackſon. That is the nature of the defence which has been made for him.

Now, Gentlemen, in trying theſe queſtions—the degree of knowledge which Mr. Stone had of the objects of Mr. Jackſon—the degree of aſſent which he gave to the attainment of thoſe objects, you muſt judge in this caſe, as in all caſes, from two ſources:—from acts which are clearly proved to have come to the knowledge of Mr. Stone, either acts of his own, or acts clearly ſhewn to have come to his knowledge; or from that preſumption which, in criminal caſes particularly, and in a vaſt variety of civil caſes, muſt neceſſarily be the ground of the verdict of every Jury—a reaſonable preſumption to be drawn by men of your character, exerciſing, not acute ingenuity, but plain good common ſenſe, from eſtabliſhed facts.

What was it that Mr. Stone clearly knew?—He knew that Mr. Jackſon came from France: he knew that the object of Mr. Jackſon, or one of his objects, was to gain intelligence; and for a moment I will ſay, *for ſome purpoſe*, without diſcuſſing *for what purpoſe*, he knew the nature of that intelligence which Jackſon wiſhed to gain—at leaſt with regard to England: he knew that the intelligence which was ſo to be gained by Mr. Jackſon was to be communicated to the French Government;—I aſſume that alſo as clear for the moment; and I think I ſhall eſtabliſh it in your minds, without any ſort of doubt, from the teſtimony of Mr. Sheridan, and every one of the gentlemen who gave evidence with reſpect to Mr. Stone's communications with them; becauſe the whole ground of the converſations to which their evidence applies was, the fact that the intelligence was to be communicated, in ſome way or other, to the French Government—for the purpoſe, indeed, of having the effect (as Mr. Stone repreſented) of preventing an invaſion. But that muſt neceſſarily have been, becauſe the intelligence was to be communicated to the Government of France; for if it was not to be ſo communicated, it could have had no ſuch effect. Therefore it is clear that Mr. Stone knew the nature of the intelligence that was deſired to be obtained by Mr. Jackſon, at leaſt with reſpect to England; and that he knew that that intelligence

gence was to be gained for the purpoſe of communicating it to France, and to the Government of France. Gentlemen, when you recollect what was the information that was gained, and when it occurs to your minds that this information was, with the knowledge of Mr. Stone, to be communicated to the Government of France, what does there really remain to prove in this cauſe? When I ſubmit this to you, as deciſively proving the guilt of the priſoner. Do I want the exerciſe of ingenuity? Do I require your adverting to particular paſſages in letters? Do I call you to niceties of diſtinctions? Or, do I ſtate plain ſimple facts, the force and effect of which muſt at once occur to every one of you, and which taken ſimply and alone, demonſtrate, as I ſubmit, the guilt of Mr. Stone.

That the communication *was to be made* to the Government of France, I ſubmit to you, is perfectly clear from the evidence given by Mr. Sheridan, Lord Lauderdale, Mr. Towgood, and Mr. Rogers—that *it had been ſo communicated*, ſo far as reſpected England, after it had been given, appears likewiſe from the letters of Hurford Stone, of the 30th of March, 1794, the 21ſt of April, 1794; and that letter which is miſtakenly or artfully dated the 8th of April, 1792, but which muſt (from the contents) have been written ſometime towards the end of April, or the beginning of May, 1794. This, I think, I ſhall have no ſort of difficulty of impreſſing upon your minds.

Firſt, with reſpect to the evidence of Mr. Sheridan—and here, Gentlemen, I would requeſt your attention to what Mr. Jackſon himſelf ſtates, to have been his object, in two letters which he wrote of the 17th and 18th of March, 1794. In thoſe letters, he ſays, that it was his object "to obtain the opinion "of *leading men in this Country*—what *they* thought were the "diſpoſitions of the people of this Country, in caſe an invaſion "ſhould take place." I have not the letters immediately before me, but that, according to my recollection, is nearly the expreſſion made uſe of. He opens the letter of the 17th of March, 1794, with ſome ſuch expreſſion, and he cloſes the letter of the 18th of March, with a ſimilar expreſſion.

Now

Now, Gentlemen, it was eſſentially neceſſary for Mr. Stone, in order to get Mr. Jackſon the aſſiſtance which he wanted, it was neceſſary that his converſation, for the purpoſe of obtaining that information, which Mr. Jackſon deſired to poſſeſs, ſhould be open and unreſerved. It was eſſentially neceſſary, too, that it ſhould be with perſons of ſome rank, and diſtinction in the Country; for it was the *opinion of leading men* in the Country which was to be obtained.—His converſation with Mr. Sheridan, is ſtated by Mr. Sheridan to have ariſen in conſequence of Mr. Stone being brought to him by another gentleman.—He ſtated to Mr. Sheridan, that he had ſeen Lord Lauderdale, and Colonel Maitland, and that he had ſomething to communicate which would be of great public benefit. He then ſtated, that he had frequent communications with his brother at Paris; that he underſtood an invaſion of this Country *was ſeriouſly reſolved upon by the Executive Government in France*; and then he ſtated, ſpeaking of the information received from his brother, that this reſolution was adopted in France, on an opinion, which Mr. Stone conceived to be ill-founded, of the ſtate of the public mind, and general diſcontent in this Country. He then ſaid, that the ſervice which he thought he could effect would be *by a circuitous channel of information, that was likely to reach the Government in France*; that the object would be, *to undeceive the Government in France*, and *to communicate to them* the real ſtate of the Country, *to convince them* how little could be expected of any thing like aſſiſtance or co-operation from any deſcription of men in this Country; and, he added, that he conceived and hoped that the conſequence might be *their abandoning a project*, evidently taken up on a *falſe information*.

Gentlemen, if Mr. Jackſon had himſelf ſet about endeavouring to obtain the *opinion of leading men* upon ſuch a ſubject, how would he have acted otherwiſe than Mr. Stone did? Mr. Stone contrives to have himſelf introduced to a gentleman of conſiderable talents, of conſiderable character in the Parliament of the Country, a gentleman who had been in an official ſituation in this Country more than once, who had been, at different times, Under Secretary of State, and Secretary of the

Treaſury. He introduces himſelf to this gentleman, and then he ſtates what I have juſt been reading to you.—Gentlemen, if Mr. Jackſon himſelf had been anxious to obtain, by his own means (having the means of doing it) the information which he ſtates in his letters to the French Government, of the 17th and 18th of March (for, I think, you muſt take theſe letters to have been written clearly with a view to be communicated to the French Government) if that had been his object, how could he have proceeded in any other way ſo effectually for his purpoſe, as the way in which Mr. Stone proceeded? And, Gentlemen, when it is ſaid, that this was *done openly*——In what other manner could it be done? Had there been any attempt to *cloſet Mr. Sheridan*, to make this enquiry of him *privately*, ſuſpicion muſt neceſſarily have ariſen, and there would have been an end, in the inſtant, of the whole. It would have been impoſſible to have obtained any communication from Mr. Sheridan.—But what was the fact with reſpect to Mr. Sheridan, a man of experience in buſineſs? He inſtantly ſaw that there was ſomething which he could not approve in the proceeding; and when Mr. Stone began reading the paper which he had obtained from the incaution of another gentleman, Mr. Sheridan would not let him go through with reading it, and told him that this was a ſort of buſineſs he did not like. When Mr. Stone talked to Mr. Sheridan of the American gentleman, who was to have ſome means of communication, he ſpoke, as Mr. Sheridan, I think, ſays, very vaguely and very indefinitely, and in a manner which clearly made an impreſſion on Mr. Sheridan's mind. Mr. Sheridan then did not permit him to read through the paper he had brought, but deſired he would read no more, and told him that if there was any thing of this ſort to be communicated, he ought immediately to inform the Secretary of State; and added, that which muſt convince you what the real impreſſion on Mr. Sheridan's mind was, that he muſt have felt that what Mr. Stone was doing, though it had a cover, was not proper. Having ſtopped Mr. Stone before he had gone through the paper, he told him, he thought he might be impoſed upon by the perſon whom he had repreſented as an American gentleman.—And

Mr.

Mr. Stone then reaſoning with him upon the ſubject, and ſaying, that an invaſion would be a great evil, and if it could be prevented it would be doing a great public ſervice—Mr. Sheridan obſerved, that whoever that American gentleman was he muſt be watched; and that if he (Mr. Sheridan) had been in the ſituation of Mr. Dundas, he ſhould have thought it neceſſary to poſſeſs himſelf of the correſpondence between Mr. Stone's brother and this American gentleman. Therefore, Gentlemen, if you attend to the evidence of Mr. Sheridan, it is impoſſible but you muſt ſee, that a man of his penetration, and of his habits in buſineſs, at once ſaw through Mr. Stone's application —that he ſaw it was covered by a veil, but that it was in itſelf miſchievous; and, therefore, he gave him that ſort of monition which I have ſtated.

My Lord Lauderdale ſpeaks very much in the ſame language, and he ſays, that there was ſo much vagueneſs in the manner in which Mr. Stone expreſſed himſelf, in reſpect to this American gentleman, that he could collect nothing from what he ſaid. But his Lordſhip ſays, that Major Maitland, his brother, expreſſed himſelf with conſiderable warmth upon the impropriety of ſuch a communication, as was contained in the paper, ſhewn to them by Mr. Stone. I ſhall, by and by, remark upon one paſſage which was ſtruck out of this paper; but you will obſerve, when you look at the paper, the paſſages which remain in it; and you will alſo obſerve the information communicated by Mr. Jackſon's letters to France, and how far that communication tallies with that paper *as originally framed*, and likewiſe tallies with it with reſpect to thoſe paſſages which, communicated to the Government of France, could not *by poſſibility be advantageous* to the Government of this Country.

Mr. Towgood likewiſe ſays, that Mr. Stone told him a perſon, who had come to him from Paris, had brought him news of his brother; and that *that perſon had been making enquiries about parties in this Country, and how it was likely the people would be affected towards the French, in caſe of an invaſion*—that Mr. Stone ſaid he thought it would be doing good if this ſhould be communicated to his brother at Paris, by the American gentleman

tleman whom he had mentioned. Mr. Towgood ſaid, *it was a delicate ſubject* to converſe about; in which Mr. Stone acquieſced, and ſaid he had not, and ſhould not, do any thing that would implicate him in any difficulty. You ſee, therefore, Mr. Stone was aware, in his converſation with Mr. Towgood, that this was *an extremely delicate ſubject*; for he ſaid he ſhould take care to proceed in ſuch a manner as not to implicate himſelf in any difficulty. The converſation with Mr. Rogers was nearly to the ſame effect. The converſation with Mr. Smith you will likewiſe recollect was to the ſame effect—and you will recollect, Mr. Smith poſitively ſaid he was ſure that Mr. Stone gave him to underſtand that he did not mean to *make any uſe whatever* of the paper which he communicated to Mr. Smith, if, upon conſulting any friends, they ſhould adviſe him againſt it; meaning the paper ſuppoſed to have been prepared by Mr. Vaughan.

Gentlemen, the whole of this evidence, therefore, ſeems to ſhew moſt clearly that Mr. Stone was proceeding by means of the converſations which he held with theſe gentlemen, to obtain that information which Mr. Jackſon, in his letters, ſays, it was his object to obtain; namely, "*the opinions of leading characters* "*upon particular ſubjects, for the purpoſe of communicating that* "*information to France.*"—And that Mr. Stone knew that that intelligence, which Jackſon was to obtain, was to be communicated to France. You will likewiſe recollect, that he repreſented to ſome of theſe gentlemen, that this American might be a perſon by means of whom ſome treaty might be opened for the purpoſe of negotiating a peace. Therefore, unleſs this repreſentation was utterly falſe, it is impoſſible but the impreſſion upon his mind muſt have been, that Mr. Jackſon had communication with the Government of France, and that the intelligence which he ſhould obtain, was to be communicated in ſome way or other to the Government of France. For no negotiation for peace could be opened, unleſs the perſon through whom it was to be opened, had the means of communicating with that Government. Thus much appears to me clearly and indiſputably eſtabliſhed, from the evidence of the gentlemen whom I have named.

Gentlemen,

Gentlemen, I ſhould likewiſe obſerve, that the repreſentation made by Mr. Stone to theſe gentlemen, was not preciſely the ſame to all, or preciſely true.—In the firſt place, you will recollect, that he mentioned to Mr. Smith, that the correſpondence with his brother *had been for a conſiderable time interrupted*; but that he had *then* the means of communication by this American gentleman. You will recollect that Mr. Towgood's evidence tends very much to the ſame effect, though not ſo explicitly as Mr. Smith's. Whereas his ſtatement to Mr. Sheridan, was of a conſtant correſpondence with his brother at Paris, which was the fact. You will likewiſe recollect, that he mentioned this perſon merely as an American gentleman—he did not ſtate when or where he was to be found, or what was his general character—but he merely repreſented him to thoſe perſons as an American gentleman.

If any perſon employed by Mr. Jackſon, to obtain for him the intelligence which he wanted to obtain, was deſirous of acting in the moſt artful manner, could he have acted with more art to accompliſh that purpoſe, than by acting in the manner in which Mr. Stone acted? It was impoſſible to obtain the ſort of information which he wiſhed to obtain in any other way. You have heard, that beſides the communication with theſe gentlemen, Mr. Stone openly made ſome repreſentations of the ſame ſort, at the Coal Exchange and other places. Not having been in Court at the time when that evidence was given, I cannot undertake to ſtate it correctly; but I underſtand, as far as the evidence goes, that in thoſe converſations he never ſtated anything about the American gentleman.

And Gentlemen, if he was to gain any general information upon the ſubject, it muſt be by public diſcuſſion that he muſt obtain it—it muſt be by acting openly. If he had taken every body into a corner, and converſed with them ſecretly and quietly upon the ſubject, and by accident any of them had mentioned, each to the other, "I had this ſort of converſation with Mr. Stone," it would have raiſed ſuſpicion. The only way to prevent ſuſpicion, was to act in the manner in which he did act. The whole of this evidence therefore ſeems to me, clearly to eſtabliſh

in

in proof, that Mr. Stone knew the general object of Mr. Jackſon's miſſion; that he to *a certain degree aſſented to that object*; that *he knew that the intelligence he was to procure, was to be communicated to the French Government*; *and that he ſet himſelf about* to *procure that intelligence in the way in which the moſt artful Agent of Mr. Jackſon could moſt artfully have ſet about it.* —If this ſtood alone, it ſeems to me, that it would be ſufficient to demonſtrate the guilt which is imputed to Mr. Stone.—But Gentlemen, when you view the whole of this ſubject, a thouſand circumſtances ariſe, which confirm this imputation to my mind, beyond a poſſibility of doubt. I mention them, not becauſe I think it neceſſary to mention them, but becauſe in a caſe like this, it ſeems to me, that every corroborating circumſtance that occurs to me, it is my duty to offer to your conſideration.

Let us conſider by whom Mr. Jackſon was recommended, in what manner he was recommended, and what was the purpoſe for which in the letters which ſo recommended him, he was recommended to Mr. Stone.—What was the character of Mr. Jackſon.—How he came into this Country, and how he conducted himſelf in it to the knowledge of Mr. Stone.—You will ſee that all theſe circumſtances will tend to impreſs your minds with the conviction, either of that guilt which I impute, or of that innocence which is aſſerted by the Counſel for the priſoner?

Gentlemen, firſt of all, he was recommended by Mr. Hurford Stone.—Mr. Hurford Stone is certainly the brother of the priſoner at the bar, and I dare ſay you Gentlemen, who may have the fortune to have a brother, may feel thoſe ſentiments of tenderneſs and affection, which would make conſiderable impreſſion on your minds, if you had a brother in the ſituation of Mr. Hurford Stone.—But it is the duty of men, ſo to regulate their actions, that they ſhall not permit their affections to do injury to other men, or to do injury to their Country; and every man, although partiality to a brother may lead him to overlook ſlight things, muſt yet be ſtruck by prominent circumſtances to a degree, which will not permit him to forget the relation and ſituation, in which that brother ſtands.—Gentlemen, the priſoner

muſt

muſt have known that Mr. Hurford Stone, though born an Engliſhman, had become in heart a Frenchman; that every thing which he had was in France; that he had eſtabliſhed (as he ſtated in one of his letters) three conſiderable manufactories there—he there enjoyed great conſideration—and the whole tone of his letters is evidently calculated to impreſs his brother with an opinion, that France was the Country to which *he* alſo ought to reſort; that *he* alſo ought to remove his property from this Country to that; and that immenſe gain would probably be obtained there.—It is extremely difficult—and my learned friends have obſerved upon it—it is extremely difficult to ſeparate intereſt from affection.—We have been truly told, that where our treaſure is, there will our hearts be alſo. What man is there, that is not conſcious that at ſome moment of his life, he has felt the operation of intereſt weighing him down, in a manner which he could not approve?

How was it poſſible for Mr. William Stone, to forget the ſituation in which his brother ſtood? Could he forget that his brother was in effect a Frenchman, and would not every letter which his brother wrote, remind him of it? Let us ſuppoſe that Mr. Hurford Stone had been in truth a natural born Frenchman; that he had never been in this Country, and had never had any connection with this Country—that the fact had been, that a natural born Frenchman had recommended Mr. Jackſon to Mr. Stone, for the purpoſe of obtaining intelligence for the uſe of the French Government—whatever that intelligence might be, how could it be imagined that that intelligence was to be gained for any other purpoſe, but that of ſerving the French Government? And what is the neceſſary reſult from the mere character of an Agent? If Mr. Jackſon was a faithful and intelligent Agent of the French Government, and Mr. Stone gave him information which would be advantageous to this Country, and not to the French Government, he would not communicate that intelligence to the French Government, or would only communicate ſo much as would be of uſe to the French Government, and no more—or if he communicated the whole, he would do it with ſuch further information that the neceſſary conſequence would be, that the French Government would uſe ſuch part as was prejudicial to

this Country, and reject ſuch part as might be beneficial to it. Therefore, when a man pretends to ſay that in communicating intelligence to the enemy, he means to act beneficially to this Country, he aſſerts that which appears to me, to involve in itſelf ſuch a multitude of contradictions, that I know not in what manner to grapple with an argument raiſed upon it.—Communicating intelligence to an Agent of France, and communicating it for the purpoſe of doing good to this Country!—The only way in which it could be doing good, would be by deceiving the Agent in ſome way, ſo as to lead him, and thoſe, whom he was to inform, to act upon a falſe intelligence. Whereas the object here, was to *gain true intelligence*, and to communicate *that intelligence* for the purpoſe of having weight with the Councils of that Country; and the object of having the opinions of *leading men* could only be, that thoſe opinions might have weight with leading men in that Country—*with thoſe who directed the Councils of that Country.*

Beſides Gentlemen, we cannot overlook that Mr. Stone himſelf is perpetually called upon by his brother, to caſt his views to France; and that all the myſterious letters upon the ſubject, of Old Ford have unqueſtionably this in view; that his property in this Country ſhould be diſpoſed of, for the purpoſe of preventing its becoming a prey, to a ſuppoſed invaſion from France, and for the purpoſe of enabling him to make his fortune in a better Country, telling him that his future engagements would be infinitely more profitable to him, than thoſe in which he was then engaged.

Gentlemen, another circumſtance is the manner in which Mr. Jackſon was introduced.—You will recollect, that this was by a ſeries of letters—mentioning at firſt, *a perſon* that was about to come; then, *an American gentleman* that was to come—and this perſon was *to communicate a great deal, to explain a great deal that was myſterious and which could not otherwiſe be explained to Mr. Stone.*—What was the character in which Mr. Jackſon was repreſented to Mr. Stone in the letters?—He is called "the American friend" of Mr. John Hurford Stone, "who was to "tranſact various buſineſſes in England."—My friends have ſaid,

"an

"an American merchant;" and that I take to be the character in which they meant he ſhould be repreſented.—If he was known to Mr. Stone before, then Mr. Stone muſt have known that this deſcription of Mr. Jackſon was falſe.—If he was not known to Mr. Stone before, (which is what you will probably preſume) then, what muſt have been Mr. Stone's ſurpriſe when Mr. Jackſon came to England, to find an American merchant who had no commercial connections with this Country.—Conſider that circumſtance alone.—If Mr. Stone knew that Mr. Jackſon was what he really was before he came to England, then he knew that his brother was miſ-repreſenting him as an American merchant.—If he really believed him to be, as his brother repreſented him, an American Merchant, what an extraordinary American merchant was this, who appears to have had no commercial concerns whatever to tranſact in this Country, unleſs he had any to tranſact with Mr. Stone; and you muſt be all aware, that a perſon to whom the character of an American merchant could properly be given, muſt be a man who muſt have ſome ſort of connections with this Country, other than thoſe which could be made merely by the introduction for the firſt time to Mr. Stone.

Gentlemen, it has been aſſerted by the learned Counſel who led the defence, that Mr. Stone never knew Mr. Jackſon in any other character but that of an American merchant.—If he never knew him in any other character, if he never diſcovered his real character—that he was a clergyman—a native of Ireland—then all the difficulty which I have laſt ſuggeſted muſt occur.—If he did diſcover his true character after he came to England, not knowing it before, then he muſt know that this gentleman had been miſ-repreſented to him.—With reſpect to any buſineſs conducted by this gentleman, even with Mr. Stone himſelf, have we any trace of any thing but political matters, except what is imputed to the converſation with Mr. Cokayne? For it is ſaid by the leading Counſel for the priſoner, that Mr. Cokayne's evidence has produced ſomething which is extremely important to ſhew the ſituation of Mr. Jackſon in this Country, and his buſineſs with Mr. Stone; and that Mr. Jackſon applied to Mr. Cokayne to

aſſiſt him in ſome commercial views, for the purpoſe of ſupplying the French with proviſions to a very great extent.

Firſt of all, in that converſation between Mr. Jackſon and Mr. Cokayne, Mr. Jackſon held out great advantages to Mr. Cokayne: the relieving him from the ſituation in which he ſtood, in a troubleſome profeſſion, and putting him in a very affluent ſituation. The converſation might be held, therefore, for no other purpoſe whatever than that of inducing him to concur in the views of Mr. Jackſon. It is clear Mr. Jackſon wiſhed to carry Mr. Cokayne over with him to Ireland. If this converſation had any real bottom, and if, as my other learned friend who is Counſel for the priſoner ſuppoſed, the ſame ſort of application had been made to Mr. Stone, and he refuſed it, and upon the ſame grounds, I preſume, as Mr. Cokayne did—that is, that he conceived the thing to be illegal and improper—could Mr. Stone have doubted of the purpoſes of Mr. Jackſon; and would not Mr. Stone have acted immediately as Mr. Cokayne did? Mr. Cokayne, the moment that propoſition was made to him, finding that his old friend was become a dangerous character, went and gave information to Government.

Gentlemen, I muſt here obſerve upon the ſituation in which Mr. Cokayne has ſtood; and the extreme importance it is to the public ſervice that men who, upon ſuch an occaſion, do come forward, ſhould not be treated as men undeſerving of credit. I apprehend he is as much deſerving of credit as any man whatever; and all that the Attorney General meant to ſtate was——

Lord Kenyon. Nobody has ſtated the contrary.

Mr. Soliciter General. It would be extremely detrimental to the public ſervice if any ſuch imputation could be thrown. Gentlemen, you will recollect the letters read to you of the 17th and 27th of January, 1794, from Mr. Hurford Stone to his brother; theſe letters ſtate, that Mr. Jackſon would have to tranſact various buſineſſes; and you will recollect the buſineſs is treated in other letters as *Mr. Jackſon's buſineſs*. It is extremely important to recollect, that it is conſtantly repreſented in theſe letters, that *Mr. Jackſon* had *various buſineſs* to tranſact, and buſineſs which was repreſented as *his buſineſs*. With reſpect

pect to the myſtery that was to be explained as to Old Ford-houſe, that made a very ſmall part of the concern; but there were various conſiderable buſineſſes which he was to tranſact: and money was to be advanced to him by William Stone, on the credit of Hurford Stone. This is particularly communicated in that letter which is written under the name of Beresford, though written by Hurford Stone.

Mr. Jackſon, therefore, came into this Country under theſe ſuſpicious circumſtances. It is not ſhewn that he was ſeen any where, except by Mr. Cokayne, whilſt he was in this Country. From the repreſentation of Mr. Cokayne it does not appear that he was ſeen any where; and his whole conduct was a myſtery, which could not have eſcaped the notice of ſuch a man as Mr. William Stone, if Mr. William Stone had not had a key to that myſtery. He holds correſpondence with Mr. William Stone himſelf in language ſo perfectly myſterious, that my friends have differed in their explanation of it. I think it is eaſy to give an explanation of it, when you combine it, in all its parts, with every thing that has paſſed—when you ſee the key; and I think you will ſee preſently that the key was in the hands of Mr. Stone, Mr. Hurford Stone, Mr. Jackſon, Nicholas Madgett, and perhaps ſome other perſons.

Having come to this Country under theſe circumſtances, and Mr. Stone, having procured for him information in this Country in the manner which I have before obſerved upon, afterwards aſſiſts him to go to Ireland. What had Mr. William Stone to do with Mr. Jackſon's going to Ireland? Has it been ſuggeſted to you for what purpoſe Mr. William Stone was to have any connection at all with Mr. Jackſon after Mr. Jackſon left this Country? If there was nothing to be arranged but the diſpoſition of the houſe at Old Ford, or ſomething reſpecting the manufactories in France, what had he to do with Jackſon in Ireland? But you obſerve he furniſhed him with money after he had declared his intention of going to Ireland; he correſponded with him in Ireland—and this was done after he had been completely put upon his guard, by the converſations with Mr. Sheridan, Mr. Towgood, Mr. Rogers, Lord Lauderdale, Major

Maitland, Mr. Smith, and all the other perſons who have given evidence upon that ſubject. He muſt have communicated to Mr. Jackſon that very paper, or nearly that paper, which he received from Mr. Vaughan, after he had aſſured two or three of theſe Gentlemen that he would not make any communication of the intelligence he was then obtaining if his friends thought it improper. Yet, ſeveral of his friends having thought it improper, he ſtill communicated the intelligence.

After Mr. Jackſon went to Ireland, a letter was written by him to Mr. Stone, dated the 5th of April, 1794; and this letter ſeems to me, with the anſwer, and the letter which followed, to be moſt clear and deciſive proof of all that we aſſert; and to ſhew clearly that Mr. Stone was cognizant, not only of the nature of Mr. Jackſon's purpoſes in this Country, but alſo of his purpoſes in Ireland.

That letter from Mr. Jackſon to Mr. Stone, of the 5th of April, 1794, is written in the fictitious name of Thomas Popkins. It is ſaid that Mr. Jackſon was afraid of his creditors, and therefore he took the name of Popkins. It was not neceſſary that he ſhould aſſume the name of Popkins, when writing a letter to Mr. Stone, in order to conceal himſelf from his creditors. Unleſs he was apprehenſive that his letters would be opened, there was no reaſon whatever to ſubſcribe the name of Popkins to that letter. The fear of his creditors might be a reaſon for not having a letter directed to him in his name of Jackſon, or for not uſing his own hand-writing in directing a letter. But there could be no reaſon for his ſigning the name of Popkins, but to prevent detection in caſe the letter ſhould be opened at the poſt-office; and, under whatever embarraſſment his affairs might be in this Country, there is no evidence that they were in any degree of embarraſſment in Ireland. Suppoſing, however, they were alſo ſo embarraſſed in Ireland, *this letter was directed by Mr. Cokayne*—it could not lead to a diſcovery by the hand-writing in the direction; and therefore the name of Popkins was not neceſſary for the purpoſe of concealment from his creditors.

In this letter he ſays—" If you have any letters from the

" family

" family at Shields, which regard their affairs in this Country, " you cannot too ſoon encloſe them to me, as the aſſizes at " Cork are about to commence." Gentlemen, thoſe expreſſions, it is acknowledged, have no relation to any family at Shields; and it is impoſſible to give the words any other interpretation whatever, but that which ſeems to have been in a degree admitted by the Counſel for the priſoner to be the juſt interpretation; namely, that by the family at Shields was meant the Government of France. Then, if the family at Shields be taken to mean the Government of France (and I am ſure you cannot put any other conſtruction on the words, eſpecially when you read the anſwer to this letter) the paſſage runs thus—" If you " have any letters from the Government of France, which re- " gard the affairs of that Government in this Country, you " cannot too ſoon encloſe them to me." Does not that perfectly correſpond with what was the fact with reſpect to Mr. Jackſon; namely, that Mr. Jackſon did expect letters from his agents under the French Government, and that thoſe letters were to be tranſmitted to him through the channel of Mr. Stone? Now, what affairs could the Government of France, or could any perſon figured by theſe words—" the family at Shields," have in Ireland, with which, to the knowledge of Mr. Stone, Mr. Jackſon had any concern, except the very purpoſe which we attribute to Mr. Jackſon; namely, that he went into Ireland for the purpoſe of obtaining intelligence with reſpect to the ſtate and ſituation of that Country, for the uſe of the Government of France? and the procuring that intelligence, which he did in fact obtain upon thoſe ſubjects, appears to have been the only buſineſs whatever which Mr. Jackſon had to tranſact in Ireland.

There is added to this letter a poſtſcript:—" I muſt requeſt " you not to make uſe of any of the addreſſes I left you, the " price and nature of the articles being entirely changed." My friends admitted that they could not inſult your underſtandings ſo much as to pretend to ſay that theſe words related to any commercial tranſactions whatever.

Mr. Erſkine. I beg your pardon, you miſtake.

Mr. Solicitor General. The learned Serjeant did expreſsly—and have they attempted to give any account of any commercial tranſactions? It was very important that ſome account ſhould have been given of ſuch tranſactions, if any could have been given; and it cannot be ſaid there has not been ſufficient time for the purpoſe. And with reſpect to this particular letter, it is perfectly clear that the gentlemen have been in full poſſeſſion of it, and indeed of a very great part of the evidence in this cauſe, for a conſiderable time; this letter as well as other important parts of the evidence, having been given upon the trial of Mr. Jackſon, and having been long printed and circulated. There could therefore have been no difficulty whatever in being prepared with evidence upon this particular ſubject, if any ſuch evidence could have been given.

But Gentlemen the anſwer which is given to this letter by Mr. Stone, ſhews moſt clearly that this enigmatical language was perfectly underſtood by him. And here I muſt obſerve Mr. Stone ſubſcribes his anſwer, "William Enots." Was Mr. Stone afraid of Mr. Jackſon's creditors, or for what purpoſe did *he* ſign the name William Enots? For what purpoſe could he ſign the name Enots but this purpoſe; that if the letter ſhould be intercepted, it ſhould not immediately ſtrike that the name was William Stone—it is but a ſlight covering, becauſe the letters are only reverſed, but ſtill it is not as written his true name; and no reaſon has been aſſigned, and I am perſuaded none can be aſſigned, for making uſe of that ſubſcription, unleſs he did it for the purpoſe, to a certain degree at leaſt, of concealing the correſpondence. The anſwer which Mr. Stone thus gave to this enigmatical letter of Mr. Jackſon, deciſively ſhews his full knowledge of the purpoſe of Mr. Jackſon—"Dear Sir, I yeſterday "received yours of the 5th inſtant, I am happy you find yourſelf "ſo agreeably ſituated where you are. I have received no letter "for you," what was the queſtion that was put to him? "If "you have any letters from the family at Shields, which regard "their affairs in this Country, you cannot too ſoon encloſe them "to me," my friends ſaid there was no anſwer to that part of the letter. You obſerve there is an anſwer, a deciſive one. The

anſwer

anſwer is, "I have received no letter, therefore I cannot encloſe "you any." For what purpoſe was Mr. Stone to receive letters for Mr. Jackſon, except the purpoſe of the perſons in France, from whom he was to receive in a circuitous way, and communicate to Mr. Jackſon that which he wanted to know? It afterwards appears, if you recollect, that there was a letter ſent by Mr. Stone encloſed in a cover to Mr. Jackſon, and that that letter did come in the manner in which Mr. Jackſon expected letters to come to him. Mr. Stone's letter proceeds; "I have re- "ceived *no letter for you*; but the day after you left me *I* received "one to ſay your firſt letters were received. I have received "another ſince, in which mine was acknowledged which I wrote "the poſt after Gillet was with us, but no mention was made of "any other." Then come the words, which I think you muſt be convinced allude to correſpondence that Mr. Stone had with John Hurford Stone, "I have not made uſe of what you left "with me." What he left with him is mentioned in the letter of the 5th of April, "I muſt requeſt you not to make uſe of "any of the addreſſes I left you," he anſwers, "I have not "made uſe of any of them." The reaſon given in Jackſon's letter why he ſhould not uſe the addreſſes, is "the price and "nature of the articles being entirely changed," the anſwer is "I have not made uſe of what you left with me. What a "wonderful change there is in the family." Following immediately the paſſage noticing the addreſſes which were left with him, and adopting immediately the language of Jackſon's letter of the 5th of April. "What a wonderful change there is in "the family. Will it tend to good—I confeſs I think better of "it now than before. I want what you poſſeſs, a knowledge of "the ſeveral branches of it, to form a proper judgment of their "conduct in the laſt fracas." That you ſee is conceived exactly in the ſame ſort of myſterious language in which the letter written to him by Jackſon was expreſſed, and it correſponds perfectly with that letter. When two perſons write to each other in cypher, it muſt be ſuppoſed that they each have a key, or how are they to underſtand one another. If this letter, inſtead of being written in this enigmatical language, had been written in a

cypher,

cypher, you would have no doubt but the perſon to whom it was addreſſed had the key of that cypher—ſo if a letter had been written in cypher by Mr. Jackſon to Mr. Stone, you would have had no doubt but Mr. Stone had the key of that cypher; for no man would be ſo abſurd as to write to another a letter which he could not underſtand; and this ſort of enigmatical language which is tantamount to a cypher, muſt have been previouſly agreed upon between them, and they both muſt have had ſomething which gave them the clue, ſomething of the nature of a key to a cypher. Then he adds, "political affairs ſeem taking "a ſtrange turn, if we take into our view the great whole—I "ceaſe to wonder at any thing," and then he goes on, talking openly with reſpect to politics, upon ſubjects on which there was nothing whatever to raiſe obſervation, if the letter of Popkins had been intercepted, had been copied at the Poſt Office, and then ſent on to Mr. Stone." Mr. Stone knew he was perfectly ſafe in writing this laſt paragraph, becauſe it had no alluſion to what was mentioned in the letter of Popkins; and if the enigmatical language in Popkins's letter was not underſtood at the Poſt Office, his language would alſo not be underſtood. He therefore writes in enigmatical language that part of his letter which is in anſwer to the letter of Jackſon, and the reſt in common plain language. Can any thing prove more deciſively than this circumſtance, that Mr. Stone was perfectly aware that Mr. Jackſon was upon ſome buſineſs in that Country, reſpecting which the language that was to be uſed in the correſpondence between them was not to be open—was not to be the common language uſed between man and man, but to be couched under ſome degree of concealment? You obſerve he expreſſes here his opinion of the change. You will recollect the change which took place in France in the month of April 1794, and he expreſſes his opinion that it would be better than it was before that event.

Mr. Jackſon might very well heſitate; becauſe as he was acting for the perſons who were conducting the Government of France at the time he quitted that Country he might very properly ſay, when there was a change in the Governors, "I muſt

" requeſt you not to make uſe of any of the addreſſes I left " you, the price and nature of the articles being entirely changed," meaning—there has happened a change of things in France, therefore do not ſend any letters by the addreſſes I have left with you at preſent. This was extremely natural for him to do; and in anſwer, it was alſo natural for Mr. Stone to make that ſort of obſervation which I have ſtated to you. Then Mr. Stone adds a poſtſcript, " Since writing the above, I have re- " ceived a letter in which is—" I have received our friend's " letters, and you muſt tell him that having given them to " the proper people, he muſt in future addreſs his friend " Nicholas and not me"—and in the concluſion he particu- " larly requeſts he may not be written to. I feel particularly " happy that the ſeveral letters have been received, and I truſt " that even in the peculiar circumſtances of *the family* they will " produce proper effects." Is not this perfectly intelligible the moment you conceive *family* to mean the Government of France. I truſt that even in the peculiar circumſtances of *the family*—that is in the peculiar circumſtances which have happened *in France*—that theſe letters will produce proper effects—adverting in this letter to a letter which had been received by William Stone himſelf from his brother, and tranſcribing a paragraph in that letter, ſhews the clear connexion in all theſe tranſactions with John Hurford Stone, in whoſe letter of the 30th of March 1794, you will find that very paragraph. " I " have alſo received our American friend's letters, and you muſt " tell him that having given them to the proper people he muſt " in future addreſs his friend Nicholas and not me." And does not this moſt deciſively and unqueſtionably ſhew, that the letters which were tranſmitted by Mr. Jackſon were, to the knowledge of Mr. Stone, to be communicated in ſome way or other to perſons in the Government of France, and that the intelligence to be procured by Mr. Jackſon in Ireland, was to be communicated in the ſame way? This my learned friends may call nice reaſoning; but it ſeems to me to be inevitable concluſion from the circumſtances which are before you. My learned friends endeavoured to explain theſe letters. They took

a great

a great deal of pains upon the ſubject, and you muſt obſerve that all the pains they took were utterly inefficient for the purpoſe.

There was a third letter which my learned friends ſay is of no ſort of conſequence, that is the letter of the 22d of April, which encloſes the letter ſigned N. M. That letter is in very few words. You will recollect that the letter of the 5th of April had deſired that if any letters from the family at Shields ſhould come, they ſhould be immediately forwarded to Mr. Jackſon at Dublin. In the letter of the 11th of April, Mr. Stone ſays he has received no letters; but in the letter of the 22d of April, he merely ſays this—"I received the encloſed to-day. I "have not heard ſince I laſt wrote to you. I am yours truly, W. "Enots." And this is directed, as well as the others, to Thomas Popkins. Why addreſſed to Thomas Popkins? It could not be to conceal Mr. Jackſon from any of his creditors, becauſe it was incloſed under a cover to John Cokayne, Eſq. at Hyde's Coffee Houſe, Dame Street, as Mr. Jackſon himſelf had deſired in his letter of the 5th of April, 1794. The outſide cover would not ſhew that this letter was for Mr. Jackſon. Therefore there was another reaſon for putting the name of Popkins here. The object muſt have been to conceal the name of Mr. Jackſon, in caſe the letter ſhould be opened at the Poſt Office. It is not pretended that Mr. Jackſon went by the name of Popkins, either in Ireland, or in this Country, or that the name of Popkins was uſed for any thing but this particular correſpondence. Mr. Jackſon in his letter of the 5th of April ſays—"If you have "any letters from the family at Shields which regard their af-"fairs in this Country, you cannot too ſoon incloſe them to "me." In Mr. Stone's letter of the 22d of April, he encloſes a letter to Mr. Jackſon, which he ſays he has juſt received. You recollect the circumſtance mentioned by the witneſs who produced this letter; and it is a circumſtance ſimply for your conſideration; the double wafer which the witneſs obſerved on firſt inſpecting this letter ſigned N. M. Whether this letter was or was not opened by Mr. Stone, is only to be inferred from that circumſtance. The letter is directed to Mr. Johnſon, at Meſſrs. Lawrence

Lawrence and Company, Rutland Place, Thames Street, London. It is expreſſed in the ſame ſort of enigmatical language about the family, as the letters of the 5th of April, and the 11th of April, between Mr. Stone and Mr. Jackſon. It is ſigned N. M. and from another letter, which you will recollect was written by Mr. Cokayne, by the direction of Mr. Jackſon, though in the name of Popkins, and by the direction of Mr. Jackſon ſent to the French Government; it is perfectly clear that the writer of this letter was a perſon of the name of Nicholas Madgett, and was the perſon deſcribed by the name of Mr. Nicholas in the letter of Hurford Stone. It is certainly true that on the trial of Mr. Jackſon, the name of Nicholas was ſuppoſed to have been uſed to denote a department in the Government of France, not as being the ſecretary of the war department, as has been pretended, but merely as denoting a part of the Government of France.

This letter, from its contents, you can have no doubt, came from a perſon in France; and you alſo can have no doubt that it was written for the purpoſe of encouraging Mr. Jackſon to get that ſort of intelligence which he went to Ireland for the purpoſe of obtaining.

There is another letter from Mr. Jackſon to Mr. Stone, of the 21ſt of April, which was ſtopped at the Poſt Office, and which certainly never came to Mr. Stone's hands. It is ſaid that Mr. Stone can in no degree be affected by it, as it never came to his hands. He can in no degree be affected by it as a letter coming to his hands; and yet it is a letter which I conceive is material evidence in the cauſe. For the contents of the letter ſhew the manner in which Mr. Jackſon, by whom it was written, underſtood Mr. Stone's letter of the 11th of April, 1794; and the manner in which he underſtood it, is preciſely the manner in which we now repreſent that it ought to be underſtood. He ſays, ſpeaking of not receiving letters—"I do "not ſee any thing in the late change of faſhions which alters "my opinion of the ſtability of the new inſtitution, particu-"larly as the principal perſons who ſuperintend it I never have "been able to detect in the ſlighteſt deviation from the line of

"con-

" conſiſtency. The reſt have all, at times, been ſuſpected of " ſiniſter motives and tergiverſation." Is not that a direct anſwer to the queſtion put by Mr. Stone in his letter, with reſpect to the temper of the new French Government? Mr. Stone ſeemed to think it would be for the better. Mr. Jackſon concurs with him in that opinion. Mr. Stone refers to Mr. Jackſon as having ſuperior knowledge upon the ſubject. Mr. Jackſon gives the effect of that knowledge. The letter proceeds—" *The ſtate of manufactures in England which your* " *friend drew out, and which you ſo obligingly gave me*, is very " juſt, as far as it relates to England; but the principles of the " people with regard to trade, their opinions as to a change to be " brought about by induſtry and co-operating exertion, are ſo " totally different, as to throw all compariſon out of the queſtion. " *I am promiſed by an eminent and very ſenſible manufacturer,* " *a ſtatement of the manufacturing branches here, which will* " *gratify you.*" And then he proceeds in the ſame enigmatical language, which you cannot ſuppoſe that Mr. Jackſon would have addreſſed to Mr. Stone, unleſs Mr. Stone had the key which was to lead to the explanation of it. It is abſurd to ſuppoſe it. You muſt ſuppoſe Mr. Jackſon to have been a downright fool to have written this letter to Mr. Stone, which Mr. Stone, according to the repreſentation now made to you, could not underſtand. But when you read Mr. Stone's own letter of the 11th of April, 1794, you can have no doubt but that he could underſtand this letter. In looking through the different State Trials, I believe you will find that this ſort of commercial language, and language of law ſuits, has been ſo conſtantly uſed, that it is aſtoniſhing it ſhould ſtill continue to be uſed by perſons who mean to conceal their correſpondence; but it has been uſed only by perſons who wiſhed to veil their correſpondence. Mr. Jackſon in this letter adds, " I ſhall obey " the inſtructions of your Siſter-in-law, by not writing to her, " which does not, however, preclude me from requeſting that " when you write, you will remember me in the moſt affec- " tionate manner to her, and Mr. Nicholas. *Let them know* " *where I am, and that I am doing every thing in my power to*

" *ſerve*

" *ſerve Mr. Nicholas, and give him ſatisfaction in bringing his* " *affairs to the iſſue he wiſhes.*"

Now here is a letter written by a perſon, proved to have been engaged in a conſpiracy, upon the ſubject of that conſpiracy, to a third perſon, charged to have been a party in the ſame conſpiracy, though the letter never came to the hands of that third perſon. My Lord will ſtate to you, the effect which that ought to have. It is a long letter, proceeding in the ſame ſort of language as that to which it was an anſwer; and I think it is impoſſible but that you muſt be convinced that this letter was written by a perſon who knew that the perſon to whom he addreſſed it, had a key which would lead him perfectly to underſtand all the enigmatical language which it contains—and it ſeems to me impoſſible, under the circumſtances, that any perſon ſhould hold correſpondence with Mr. Jackſon, in Ireland, in that ſort of enigmatical language, capable of the explanation which I have given it—which I think the true explanation, but you will explain it in the way in which you think it ought to be explained—it ſeems to me impoſſible that ſuch correſpondence ſhould have paſſed between Mr. Jackſon and Mr. Stone, without Mr. Stone's being aware of the purpoſes for which Mr. Jackſon went to Ireland. In the nature of things this appears to me to be impoſſible.

Gentlemen, beſides all this, let us recollect for a moment the evidence which was given by Mr. King. When Mr. Stone was arreſted, he was told, as Mr. King ſtates, that if he would deliver up the correſpondence with Mr. Jackſon under the names of Popkins and Enots, the reſidue of his papers would not be diſturbed. *He denied that he had any ſuch correſpondence.* The information that led to that queſtion would of courſe lead the Under Secretary to ſearch for ſuch a correſpondence. He found a letter—certainly not particularly concealed, nor was there any reaſon to conceal it in Mr. Stone's ſtudy at that time; becauſe, amongſt his own family, or perſons who ordinarily might have recourſe to his papers, (unleſs he is to be ſuppoſed to have been aware that he would probably be taken up) it was not likely he ſhould conceal that letter in any way whatever.—There it was found.—Now is there not a degree of conſequence attached to

this

this correſpondence by the very circumſtance of that denial, which makes it impoſſible for you to heſitate in your minds what inference you ought to draw from it. And you will recollect likewiſe the extreme labour of my learned friends in their very able defence (and I am ſure you will be certain at leaſt of this, that if Mr. Stone fails upon this trial, he will not fail for want of abilities to defend him) that all their exertions have been utterly unable to give you any reaſonable and conſiſtent explanation of this tranſaction, under the names of Popkins and Enots; the correſpondence between Mr. Jackſon and Mr. Stone, under thoſe names; the enigmatical language in which it was conducted; and the denial by Mr. Stone of the fact of any ſuch correſpondence.

Theſe circumſtances are, I think, extremely ſtrong, to confirm you in that opinion, which it ſeems to me you ought to draw from the mere ſimple ſtatement of the caſe I at firſt made to you. But, Gentlemen, what is the *nature of the intelligence* which is given even with reſpect to England? Is it any other than this? "Do not attack our main poſts; they are too "ſtrong. As to ſome out poſts, they are weak enough."—Suppoſe a General of an army were to intercept a letter from one of his Officers to an Officer of the enemy to that effect; would he conceive that letter to be of the nature of treaſon to that army or not? "Do not attack our main force; we are "too ſtrong, too united in the main body; but there are ſome "out poſts that are weak enough." Gentlemen, it appears to me that merely obtaining any information whatever, with reſpect to the ſentiments of the people of this Country, in order to communicate to the French Government, could have no object but to be uſeful to the French Government. It ſtrikes me that no man could poſſibly have communicated that ſort of intelligence to the Government of France, without having an impreſſion upon his mind that it was to be uſeful to that Government, by directing their operations to that quarter in which they would be moſt ſucceſsful. If it was merely to prevent their throwing away their ſtrength upon a quarter too ſtrong for them, that alone is conveying uſeful and important intelligence

to an enemy. But if, in addition to that intelligence, certain weak parts are pointed out—and if it is further ſuggeſted to the French Government what ſort of conduct and language they ought to hold in their Convention to induce the people of this Country to be diſcontented with their own Government—if this is particularly recommended to their attention, the intelligence ſo communicated *muſt have been intended to be uſeful to the enemy.* —It ſeems to me impoſſible to ſay that particular intelligence, communicated to an enemy, unleſs it was falſe, was not intended to be uſeful to the enemy.

You muſt recollect an expreſſion in Mr. Hurford Stone's letter of the 15th of March, 1794; in which, ſpeaking of Mr. Jackſon, it has been doubted whether the expreſſion is "*aſſiſt*" or "*correct*" his views." I think the word was "correct." But if the expreſſion was "correct his views;" if the views of Mr. Jackſon were, as they undoubtedly were, thoſe of obtaining intelligence; if the priſoner was to correct his views with reſpect to obtaining intelligence relative to this Country; correcting them, and making them right, was making them moſt uſeful and beneficial to the French Government. Gentlemen, ſome obſervation has been made with reſpect to the alterations made by Mr. Stone, in Mr. Vaughan's paper; and eſpecially, it has been obſerved, that that part was ſcratched out which ſtated that there was no force in the Country, except the militia, and ſome cavalry, upon the coaſt. Gentlemen, ſcrathed out as it was in Mr. Vaughan's paper, produced in evidence to you, you will find that in the letter of Jackſon of the 17th of March, 1794, communicating to his correſpondent abroad the ſubſtance of this paper, the only parts of this paſſage omitted are "the cavalry," and "the "troops on the coaſt." The ſubſtance of the paſſage is fully ſtated in that letter.

Mr. Serjeant Adair. That letter Mr. Stone never ſaw.

Mr. Solicitor General. The letter communicates other parts of Mr. Stone's information contained in that paper, attributed to Mr. Vaughan; and you are to form a judgment for yourſelves, Gentlemen, whether Mr. Jackſon did or did not ſee that paper of Mr. Vaughan, either in the ſtate in which it was written ori-

ginally, or in the ſtate in which it now is; for the paſſage is now perfectly legible, though a line is drawn through it. There are parts which are added by Mr. Stone himſelf in his own handwriting to Mr. Vaughan's paper.—I beg leave to requeſt that when you look at that paper, you will have the goodneſs to obſerve what was the *temper*, with which thoſe parts which were *added by Mr. Stone* were ſo added; and whether the temper of mind of the perſon who wrote thoſe additional parts, was or was not friendly to the Government of this Country.

Gentlemen, I think I have now pretty nearly gone through the obſervations which I intended to make to you, for the purpoſe of ſhewing, that it was impoſſible that Mr. Stone ſhould be ignorant of the nature of Mr. Jackſon's views; and that Mr. Stone acted with ſuch a decree of miſrepreſentation and concealment, with reſpect to Mr. Jackſon, that it is impoſſible but he muſt have been aware that the purpoſe of Mr. Jackſon, and the occaſion of his being here, were not innocent—that they were ſuch as we ſtate them to have been. You will further recollect, that he pretended, in his converſations with the gentlemen who have been examined, *that his brother had repreſented to the French Government*, that the idea of an invaſion was abſurd; that the temper of the people of this Country was very different from what they imagined it to be; and that his object in deſiring to be furniſhed with opinions upon the ſubject was to convince the French Government of the truth of his repreſentations, and that he thought that if they were perſuaded he had truly repreſented the temper of the people, he might prevent an invaſion.

Gentlemen, you would have expected, therefore, in the ſeveral letters of John Hurford Stone, produced to you, to have found numberleſs repreſentations to that effect. A conſtant courſe of correſpondence has been produced to you, beginning a conſiderable time before Mr. Jackſon came to this Country, and continuing during the whole time of his reſidence here and in Ireland, and until after his arreſt.—In any one of thoſe letters, can you recollect any ſuch expreſſions? I am ſure I cannot—On the contrary, is not the general language of Hurford Stone's

letters of a very different import—that if an invaſion ſhould take place the ſucceſs would be inevitable, and the deſtruction of Mr. Stone's property the conſequence, and, therefore, adviſing him to take all his property out of the Country. There is certainly a degree of myſtery in many of his communications upon the ſubject, and he ſays, the myſtery would be to be explained by Mr. Jackſon; but there is nothing to lead you to conclude that there is any ground for theſe repreſentations of Mr. Stone, that his brother had conſtantly repreſented to the French Government, that an invaſion was abſurd, and that the temper of the Engliſh people was different from that which they underſtood it to be.

Gentlemen, there remains, I think, only one thing more which I wiſh to obſerve upon; and that is, that Mr. Stone made no communication to Government whatever upon this ſubject. It is ſaid, that he mentioned it to the late General Murray, a perſon connected with Government. Did he mention any thing more to General Murray than he mentioned to Mr. Sheridan, and the other gentlemen, who have been examined? Did he ſay, "Here is an American, come over for the "purpoſe of obtaining intelligence to convey to the Govern-"ment of France. He is a perſon who goes by the name of "Jackſon, and repreſents himſelf as an American merchant. "He lodges at ſuch a place. If he is a ſuſpicious perſon take "him up." Was not that the ſort of communication which Mr. Sheridan, and the other gentlemen meant, he ſhould give to Government? They told him clearly, "This is a ſuſpicious "perſon."——"If you think that he is a man with whom you "may communicate, you are impoſed upon (ſaid Mr. Sheridan) "and, therefore, go to Government and inform them that there "is ſuch a perſon in the Country, that they may at leaſt watch "his motions." That was the degree of information, which ought at leaſt to have been given. Whereas there was no ſort of information of that kind given to any perſon. The name of Jackſon was mentioned once or twice; I believe, to Mr. Smith—but Mr. Jackſon was mentioned as an American merchant, and nothing more; and no perſon would have thought

to look for an American merchant otherwiſe than in a mercantile ſituation; certainly not as lodging at the Buffalo Tavern, Bloomſbury.

Beſides, Gentlemen, Mr. Stone not only did not communicate to Government intelligence important for its information, under the circumſtances which I have ſtated; but he did not communicate intelligence in his power, under other circumſtances which I will ſtate to you—he did not even fairly communicate intelligence in his power, when he affected to communicate to Mr. Pitt, in April, 1793; and in his letter of that date you will recollect he ſtated to Mr. Pitt, that if any further important intelligence ſhould come to him he would communicate it to Mr. Pitt. No ſuch communication was ever made, upon any ſubject whatever after that time as far as we can trace; and certainly they have not, on the part of the priſoner, attempted to trace any ſuch intelligence. It is ſaid, that Mr. Pitt treated the intelligence given in April, 1793, ſlightly, and wrote a cold letter upon the ſubject. On the contrary, Mr. Pitt's letter appears to me to be a very civil letter, eſpecially if you look at the extracts ſent to him by Mr. Stone, and ſee what they communicate, and obſerve whether they communicate any thing of importance at the time at which it was communicated. But, Gentlemen, if you will look a little further—if when you look at ſome of the extracts, you will notice at the ſame time the letters from which the extracts were made, and eſpecially the two letters to which your attention was particularly called, thoſe of the 24th of October, and the 27th of November, 1792, I think you will find that Mr. Stone, in that communication to Government, did not act as a man perfectly friendly to his Country. If he meant to communicate any thing to Government, he ought, at leaſt, to have communicated all he knew upon the ſubject; and if he meant to make any effectual communication to Government, he ought to have diſcloſed the temper of the perſon who gave that communication. Now, it is admitted, that he altered the language of Mr. John Hurford Stone's letters, to a language leſs offenſive, conſtantly changing the word "*we*," for the words "*the French*," and ſo on—But beſides

ſides this material alteration, he omitted very conſiderable and important paſſages.

The letter of the 24th of October, 1792, ſays—" The letter " I ſent you of the retreat of the Pruſſians, was, I am certain, " the only information of the event to be met with in London; " for the news arrived at the Aſſembly at half paſt twelve; I " heard it in the ſtreet from a deputy; a minute after I ran into " the box which I have there, and ſpoke with one of the Secre- " taries; and at one the poſt went off to Calais, and my letter " was put, with one I ſent to Lord Lauderdale, who conveyed " it to Fox, at Newmarket, on board a boat that was then " going to England." This paſſage was communicated, but in a mutilated ſtate. It was preceded by theſe words—" You " will have received from Verdun, an immenſe packet of in- " formation, which you will have diſtributed according to the " addreſſes." He did not communicate that part of the letter.—Why did he not communicate it? If he was to communicate information to Government, it was a ſtrong thing to ſay, that this immenſe packet of information was not to be communicated; but if this paſſage had been inſerted would it not have led Government to enquire where this immenſe packet of information was? In the ſame letter Mr. Hurford Stone takes notice of the retreat of the Pruſſians, and of the manner in which the French were following that retreat; and he adds, that, which if you recollect the circumſtances of the Country at the time it might be extremely important for Government to know, but which Mr. Stone did not communicate. He did communicate the paſſage which ſtated the retreat. Of what uſe was communicating this intelligence of the retreat of the Pruſſian army, at the time it was ſo communicated. The retreat was a fact which had been then long univerſally known. But there followed immediately, in Mr. Hurford Stone's letter, another circumſtance which is of a very different nature, and which Mr. Stone does not think proper to communicate. After ſpeaking of the defeat, he ſays—" I will not aſſert it as a fact, but I believe it moſt " firmly, that the only condition accepted by Dumourier, was, " that the Royal Family ſhould not be put to death; whilſt, on

" our part, it was inſiſted that Pruſſia ſhould immediately on " its leaving the territory of France, abandon the Houſe of " Auſtria, and even form an alliance with us, or ſubmit the " army *in toto* to be priſoners to the arms of the Republic.—If " this be not the preſent ſtate of affairs I never was more de- " ceived; and all the converſations I had, with the Generals, " with the Commiſſioners of the Convention, &c. &c. lead me " to this belief."

Gentlemen, that was ſomething which it might be important to communicate to Government, ſuppoſing it to be true; namely, that that ſort of ſtipulation had been made upon this occaſion, which would lead to the defection of the Pruſſian arms, from the general alliance. Not a ſingle word of that part of the letter is communicated. There is another paſſage to the ſame effect— " Before I cloſe this part of my letter, I would add, in con- " firmation of my opinion, that Pruſſia will be the ally of " France." That would have been a very important piece of intelligence, ſuppoſing it to be true. But that Mr. Stone does not communicate. What he does communicate could be no ſort of intelligence. He, therefore, certainly received a civil letter only from Mr. Pitt; becauſe if you look through the extracts you will ſee that it was impoſſible for Mr. Pitt, at the time they were ſent to him, to collect from them any intelligence whatever which could be of any uſe.

The extract which he ſent of the letter of the 27th of No- vember, was nothing more than this—" I believe that I men- " tioned to you that we had a dinner on Sunday ſe'nnight, to " celebrate the French victories, and that an addreſs was to be " preſented to the Aſſembly—that is to be done this morning, I " was choſen preſident, and orator, but I have declined both." This extract was probably given for the purpoſe of ſhewing that Mr. Hurford Stone declined being preſident, and orator of the meeting. The paſſage is taken from a very long letter. In the paſſage extracted, after the words, " I have declined both," the letter adds, " for the reaſons you hint at, and for others " alſo." Mr. Hurford Stone, therefore, conceived it neceſſary to make an apology to his brother for declining being the orator

at

at this meeting; not as the extract would lead you to ſuppoſe that it was his wiſh to do ſo at all events, and without any qualification whatever. Then there is a long paſſage in which he ſtates, that he dined with Kerſaint, and ſpeaks of the fraternity which was offered by the French—You will probably recollect the character of Kerſaint, and the part which he took at that time—and then he ſtates particularly what paſſed in the Aſſembly upon that ſubject, and what was the reſult of the confidential converſation which he had with Kerſaint. If any thing was important to communicate in this letter, it muſt have been that confidential communication with Kerſaint. But not one word of that is contained in the extract—If this gentleman meant fairly to communicate to Government, he certainly would have communicated the parts of this letter which he has not communicated, and not that only which he did communicate.

Gentlemen, theſe are the principal things which have ſtruck me in this caſe. There are, certainly, many others which I ought to obſerve upon—With reſpect to the character of this gentleman, with reſpect to thoſe with whom he acted, with reſpect to the ſituation of Mr. Jackſon, the ſmall credit given him—all of which have been obſerved upon, by the Counſel for the priſoner—it ſeems to me that they cannot have any very conſiderable effect upon your conſideration. With reſpect to the laſt—the ſmall credit in point of money—I think it was about 540 louis d'ors, which it is ſtated Mr. Jackſon had from the priſoner's brother, Mr. Hurford Stone. It is ſaid, that ſpies commonly have a much larger allowance. The reſult of that remark would be to prove that Mr. Jackſon was not a ſpy. Now all the evidence has proved that fact deciſively.—Therefore that remark amounts to nothing at all; and, I think, upon the whole, you will find, when this evidence ſhall be more particularly ſtated to you, by my Lord, and you ſhall come to examine it yourſelves, coolly and deliberately, that every part of the evidence corroborates the general impreſſion which I firſt attempted to ſtate to you; namely, that it is perfectly clear that Mr. Stone knew that Mr. Jackſon came from France—knew that his ob-

ject was to gain intelligence—knew the particular nature of the intelligence which he wiſhed to gain, and that that intelligence was to be communicated to the French Government—and being ſo communicated to the French Government, it muſt have the effect (if it were true intelligence) of being in ſome degree uſeful to the French Government—and communicating intelligence to the French Government is the very crime imputed in this indictment.

A difference is attempted to be made between the tranſactions in England and thoſe in Ireland. It is ſaid, that the purpoſes of Mr. Jackſon in England may have been perfectly innocent, whatever his purpoſes in Ireland were. The difference in the tranſactions is only this; the repreſentation made of the ſtate of England is, that an invaſion of this Country would probably not be ſucceſsful; the repreſentation with reſpect to Ireland is, that an invaſion might probably be ſucceſsful.—It has alſo been ſaid, that there is no diſtinct proof that the repreſentation of the ſtate of Ireland, was ever communicated to Mr. Stone—Certainly there is not.—But the inference which it ſeems to me you are fairly to draw from the whole evidence is, that the object of Mr. Jackſon (with the knowledge of Mr. Stone) was to procure intelligence in the manner, and for the purpoſes which we have ſtated to you—and the whole of the objection to the concluſion which we draw from the evidence, is only this; that the reſult of the intelligence obtained with reſpect to one Country, is different from the reſult of the intelligence obtained with reſpect to the other; and that it is not clear that the intelligence actually gained, with reſpect to Ireland, was diſtinctly communicated to Mr Stone, although it clearly appears that he was diſtinctly informed, that intelligence was ſought for, and *ſome* intelligence was gained in Ireland for the purpoſe of communicating ſuch intelligence to France; and if you are of opinion that intelligence was ſought for in either Country, with the knowledge of Mr. Stone, for the purpoſe of communicating ſuch intelligence to France, in order to ſerve the enemy, the guilt of the priſoner is complete.

Gentlemen,

Gentlemen, I am ſorry I have detained you ſo long. I intended to have made ſome obſervations upon the manner in which the evidence applies to the indictment, ſtating to you, particularly, the overt-acts laid in the indictment, to which the evidence applies. But this you will neceſſarily hear from his Lordſhip; and, therefore, I will not trouble you any further.

SUMMING

SUMMING-UP.

LORD KENYON.

Gentlemen of the Jury,

This cauſe has engaged your attention for a long ſpace of time, and indeed in the Annals of Weſtminſter Hall, there have been very few cauſes that have occurred, that have occaſioned ſuch an adjournment as took place laſt night; it was reſerved for the neceſſities of modern times, to conſume ſo much time as has neceſſarily been conſumed, to lay before Juries, properly, caſes of the great importance that this caſe is; for it is impoſſible to impreſs too much on your minds, the importance of the cauſe. It has on each ſide been impreſſed upon you—by thoſe who proſecute for the public, and by the Counſel for the priſoner at the bar.—On the one ſide every thing that is dear to the priſoner is concerned, and on the other ſide, every thing that is dear to the community is concerned. Societies, conſidering the corrupt nature of man; ſocieties cannot keep together, without penal laws, and the ſanctions of puniſhment; they have exiſted in all poliſhed Countries; they have been found neceſſary; and if they have been found neceſſary to be enacted, it is neceſſary that they ſhould be executed, whenever offences exiſt.

I agree with the learned gentleman, and every man of humanity muſt agree, that the wiſhes of every humane man are, that guilt may not be fixed upon any man; but I confeſs I am one of thoſe who have not the weakneſs; which weakneſs a Judge at leaſt, and a Jury, muſt get rid of, before they fit themſelves to fill the reſpective ſtations which they are to fill in the adminiſtration of the Juſtice of the Country. I ſay therefore, I am not one of thoſe, who wiſh, under falſe compaſſion, inconſiſtent with the adminiſtration of criminal juſtice, that a perſon on whom guilt is fairly fixed, ſhould eſcape the puniſhment which the law annexes to his guilt.

Gen-

Gentlemen, I hope you are come to conſider this caſe, at a time which I dare ſay you are, when your minds and your bodily ſtrength are not wearied ſufficiently to prevent you from proceeding to diſcuſs it, and to form that judgment which now at this inſtant certainly none of you have formed upon the caſe, becauſe it would be premature; I cannot but lament a little, that in my own caſe I certainly do feel a very conſiderable degree of fatigue; but the duty is caſt upon me, and I will perform it as well as I am able.

The offence imputed to the priſoner at the bar, is the higheſt offence which can be committed in ſociety, namely, an intenion of demoliſhing the Government, which keeps civil ſociety together, and inſtead of rule and order, converting all into miſ-rule, anarchy, confuſion, and no Government at all, by overthrowing and annihilating the Government which does at preſent keep this community together.

The ſtatute of Treaſon, which has exiſted upon the ſtatute book for ſome centuries, has delineated in plain terms, and in terms at leaſt upon which the conſtructions have been uniform, what Treaſons are, and thoſe two which are imputed to the priſoner at the bar, are—Compaſſing the death of the King—and adhering to the King's enemies; and it has been very fairly admitted by both the learned Counſel for the priſoner at the bar, that the evidence which has been given, is evidence advancing at leaſt to a degree, to charge him with the offences under both the counts in the indictment. It certainly was properly ſo admitted, becauſe ſuch has been the conſtruction in all times; and one ſhould be ſorry to ſee, upon queſtions which ſo materially affect every body, ſhifting opinions by thoſe who are to deliver what the laws are, to the ſubjects who are to be governed by them.

Gentlemen, it does appear to me, that the juſtice of this caſe will be perfectly ſatisfied by my calling your attention to the ſecond count contained in the indictment, namely, that which imputes to the priſoner, that he adhered to the King's enemies; and that for the aid, aſſiſtance, direction, and inſtruction of the

ene-

enemies of the King, as to their conduct and proſecution of the war, he ſent them certain communications.

It has been decided by the higheſt authority, and no perſon doubted the law when it was laid down, and no perſon has doubted the law ſince—I chooſe to give it in the words of my Lord Mansfield, at a time when the Court was filled by Judges, as able, and as willing to protect the civil liberties of the ſubject as ever adorned a Court of Juſtice; and with their concurrence he thus laid down the law to gentlemen who ſtood in the place in which I now have the honour of addreſſing you. "Letters of advice, and correſpondence and intelligeuce to the enemy, to enable them to annoy us, or to defend themſelves; written and ſent in order to be delivered, certainly conſtitute the crime of Treaſon, of adhering to the King's enemies."

It was very properly ſtated by the learned Counſel for the priſoner, that it is the happineſs of this cauſe, that neither upon the law of the caſe, nor upon the evidence, which has been adduced on the behalf of the proſecution, has there been any diſpute whatever.—The law is agreed to as laid down.—All the evidence that has been laid before you, comes unqueſtionably as evidence which you may liſten to in point of law—it has been attended and checked by two gentlemen, moſt eminent in their profeſſion, and has paſſed muſter with them—it became me, if any doubts aroſe in my mind to ſtate them.—I expreſſed my doubts when I had any; and, undoubtedly if they had incautiouſly let evidence paſs, which I thought ought not to have paſſed, I ſhould have expreſſed my doubts to the learned Judges, whoſe aſſiſtance I have the happineſs to have upon this occaſion, if any doubts had occured to me.

I have ſtated what are the charges in the indictment, and what the law is; this caſe has been diſcuſſed by the Counſel on both ſides; the evidence has been given, and it waits for me to do, that which it is my bounden duty to do—to aſſiſt you as well as I am able, before you deliberate upon the cauſe—it would have been my duty, if I had ſeen that the Counſel for the Crown bore hard upon the priſoner, to have reſcued him from improper ſuggeſtions; it would have been my duty alſo, if I ſhould have

diſ-

diſcovered that infinite eloquence—that ardent expreſſions and infinite zeal, had probably had a conſiderable effect upon the minds of the Jury, to give the Jury an opportunity to pauſe before they went on to a concluſion; and to conſider what concluſion ought to be drawn from the evidence given in the cauſe, for the evidence given in the cauſe is the only ſource of information to which you can refer; all the reſt is to aſſiſt you in that, and, if it tends to confound you, and to lead you aſtray from that, it is all ill-done; it is of uſe as far as it leads you to underſtand and apply the evidence; it is all of a bad tendency if it has any other effect.

Gentlemen, I told you at the beginning, that the trouble which I ſhould give you, would be very little indeed; every body before he endeavours to communicate knowledge to another, muſt ſome how or other have made up his own mind, not what are the concluſions to be drawn in the caſe, but as to the important points in the caſe; and, though it may be proper in the outſet to bring intelligence from every quarter, in a cauſe, yet generally long before the cauſe gets to its concluſion, the great leading and prominent parts of the caſe are ſufficiently obvious to every body; and whoever bends his attention ſolely to the ſmall points of the cauſe, does not perhaps yield much aſſiſtance to thoſe who are to judge upon it; but upon the great and ſmall points of the cauſe, let me not preſume to impoſe my judgment upon you; you are to ſee what are the great and ſmall points of the cauſe. It is my duty to lay before you for your aſſiſtance, what appear to me to be the great points of the cauſe.

A great number of the letters which were read at the beginning of the cauſe; ſeem to me to have received a very proper conſtruction from the learned gentlemen of Counſel, with the priſoner at the bar--they certainly were many of them letters really reſpecting a trade exiſting, and eſtabliſhments in trade, meant to be carried on in France.—I verily believe it.—I believe with them alſo, for it was expreſsly ſo ſaid by the learned Counſel, who firſt addreſſed you for the priſoner—and when I make an obſervation preſently, it will appear—for if the conceſſion had been

made

made inadvertently, but ſurely it was not, it ought not to be abided by; but it appeared to me it was properly ſtated by him, that all that is ſaid of the people at North Shields—of the aſſizes at Cork, certainly did not reſpect any commercial negotiations between thoſe parties, but referred to ſomething which one of the letters ſays is myſterious; for the language of one of the letters (No. 5.) after it had been talking about a perſon who would come, ſays, the perſon alluded to will explain all myſteries; therefore, that there was ſomething myſterious in theſe letters—that they were, as has been ſo often repeated, ſomething enigmatical, beyond all controverſy appears from the letters themſelves.

Gentlemen, the letters preſent to us three perſons, who alſo appear in every ſtep that we take in the buſineſs; the priſoner at the bar; his brother, who, from the ſtile of all the letters, and from every thing that has appeared in the cauſe, appears to be a perſon who conſidered himſelf as having exchanged his Country, and having become intereſted in, and a well-wiſher to France, in ſhort, become a Frenchman; for whenever he ſpeaks in theſe confidential letters to his brother, which were to be directed to the houſe, (but not to be opened by the houſe) of the French, he calls them *us*, and of the people of England *you*, therefore he conſidered himſelf, it is pretty clear, though this is no very important obſervation in the cauſe, yet certainly he all along conſidered himſelf as a perſon who was domiciled in France, and wiſhed to be underſtood by his domiciliation there to have become a member of the community in France. The third perſon was a Mr. Jackſon, now no more, who alſo is admitted in the cauſe to be an agent for the French; how far his agency went you will conſider in the ſequel of the cauſe.

Gentlemen, I ſhall now lay before you the two emphatical and important papers in the cauſe; and I am authorized to lay them before you, becauſe they are proved expreſsly by evidence which is uncontroverted to have been in the poſſeſſion of Mr. Stone, and to have been in the poſſeſſion of Mr. Jackſon alſo, for in the cuſtody of both of them theſe letters are found; how communicated, the evidence which follows in the cauſe will preſent

ſent to you proof—whether deciſive proof or not it is for you and not for me to decide.

The firſt of theſe is a letter, which is admitted on all hands to have been written by a member of the Houſe of Commons, Mr. William Smith, to Mr. Stone, the priſoner at the bar. Gentlemen, I wiſh you would attend to this, though, indeed, I need not beſpeak your attention—your attention has been marked throughout.

[*Here his Lordſhip read the letter.*]

[*Vide page* 119.]

This is the letter which was written by Mr. Smith; the other paper, which I alſo deſire to call your attention to, and which, as I have before ſtated, was found in the hands both of Mr. Stone and of Mr. Jackſon, is that which is ſaid to have come from Mr. Vaughan to Mr. Stone, and got ſomehow into the hands of Mr. Jackſon; that paper is this:

[*Here his Lordſhip read the paper.*]

[*Vide page* 114.]

Gentlemen, you have heard theſe papers, and in the ſequel of the cauſe you are bound upon your oaths to conſider whether they contain information which, if given to the French Government, muſt be of uſe to them in the future progreſs of their concerns. As this indictment is framed, and as the whole cauſe is laid before you, it appears to me that your attention was rather led; and led, in a conſiderable part of the cauſe, to a point which is not important in the cauſe; for it was ſuppoſed that the criminality of the papers reſted in their tempting the French to invade the Country—Nothing like it: if that was the only crime which might have been committed, perhaps it would be ſtraining this paper too much to infer, when they ſtate to the French in ſuch formidable terms what the difficulties would be, that this letter at all tended to tempt the French to invade the Country; but if any thing of that kind was ſaid, it is neceſſary for me to ſtate to you that that is nothing like the point in the cauſe.

I ſay, in the language of Lord Mansfield, that if the communication made is a communication which may tend to be of

any

any aſſiſtance to the ſubjects of another Country to annoy this Country, or to defend themſelves, or to ſhape in any manner the nature of their attacks upon this Country, that that, beyond all controverſy, is High Treaſon. I ſtate this ſo poſitively, becauſe I know the learning and candour of the gentlemen, that nobody will ſuppoſe that I overſtate it—Beyond all doubt it is ſo; therefore, if upon your ſerious conſideration of theſe letters, you ſhould find that thoſe letters communicated any information to the French, being in a ſtate of hoſtility with this Country, and therefore every thing which helped to aſſiſt them drew back from the intereſt of this Country; if you ſhould find that, I do not mean to ſtate that the offence is complete, till I have ſtated to you ſomething elſe, and then it is for you to deliberate whether it is complete; but it is for you to look at theſe papers under the view and repreſentation I have made of theſe papers, becauſe it is what I am upon my oath bound to ſtate to you; if I miſtate it, I ſhall be corrected by the learned Judges; and I ſhall not be ſorry to be interrupted, if I ſtate any thing that renders interruption neceſſary; becauſe it never comes too late, when the blood of a fellow ſubject is at ſtake: but I am bound to do it; it is not a pleaſant taſk, but thus circumſtanced, unpleaſant as the taſk is to any man of feeling, I muſt meet my ſituation and ſummon up my fortitude as well as I can, to diſcharge it as well as my faculties will permit me.

Theſe papers being read, I will proceed to ſtate at length the evidence which was given by the ſeveral witneſſes who were called.—I ſhall not ſtate the evidence of witneſſes who found papers here and there, and proved hands writing, and thoſe kind of things.

Mr. King, the under Secretary of State, was called, and he told you what papers he found in the houſe of the priſoner, and where he found the ſeveral papers; and he tells you what the behaviour of the priſoner was when they were found—that he did not demonſtrate any marks by which he could collect that he thought himſelf in a ſtate of guilt: he tells you further, that he aſked the priſoner to produce the letters which were ſigned Popkins and Enots; and told him that if he would deliver thoſe letters,

letters, his other papers ſhould be delivered him again; in anſwer to which the priſoner told him, that he had no letters of that ſignature by him.

Gentlemen, the next witneſs who was called is Mr. Reuben Smith, whoſe evidence I believe I need not ſtate.

The next witneſſes were the perſons from Dublin, who found the papers; but the next witneſs who gave any evidence important to the cauſe, was Mr. Smith a Member of Parliament. He ſays he has known the priſoner ſix or ſeven years—he ſays No. 12, the firſt of the two papers I read, is of his hand-writing, and that he ſent it to the priſoner; that he had converſation with the priſoner about a perſon of the name of Jackſon, whom the priſoner named to him, and talked to him about; that he met the priſoner ſeveral times, ſometimes at Freemaſon's Hall, and that at one of the meetings at Freemaſon's Hall the priſoner came to him, and ſaid "My correſpondence with my brother has been "interrupted for a conſiderable time, but a perſon has lately "brought me a letter from him, to which he requeſts I would "ſend him an anſwer," he appeared to be much alarmed at that time, with apprehenſions that the French intended to invade this Country; but he thought if any means could be uſed of counteracting here the impreſſions there entertained, reſpecting the ſtate of affairs in England, it might be advantageous. The priſoner expreſſed himſelf under ſimilar alarm, he aſked me what my opinion was upon the ſubject, I told him in effect that I thought he muſt be well acquainted with my opinion upon that point, becauſe he muſt often have heard me expreſs my perſuaſion that ſuch an attempt would never be made, and I believe that I ſtated reaſons ſimilar to what appear in that paper. After ſome little converſation he told me he had had a converſation with Mr. Vaughan upon the ſame ſubject, that Mr. Vaughan had told him he thought there could be no impropriety in giving his brother that general information, for which he ſeemed to wiſh; and that Mr. Vaughan had given him a paper containing ſome of his opinions upon that head. He ſays, in the ſame converſation he ſhewed me a paper, and aſked my opinion; I told him I thought the opinions in that paper might be very true, or words to that

purport, but that its expreſſions appeared to me, in many points of view exceptionable; he informed me he had ſhewn it to ſeveral gentlemen, to Lord Lauderdale and Colonel Maitland among others, I am not ſure that he mentioned any body elſe; that they appeared on the whole to think the paper was innocent, but had objected to many expreſſions in it; I am ſure he gave me to underſtand, that he did not mean to make any uſe of this paper, (Mr. Vaughan's paper) if upon conſulting any friends they ſhould adviſe him againſt it. I remember nothing further material, except that I told him, that leſt he ſhould forget or miſunderſtand me, I would put down what I had to ſay in writing. He ſaid an American gentleman of the name of Jackſon, had brought him a letter—I did not know who he was, I underſtood from the priſoner that what his brother wanted of him, was to know ſome gentlemen's opinions; I do not know that ever I ſaw him afterwards. Mr. Stone told me an American gentleman had come from his brother, in conſequence of the interruption of their correſpondence. He ſays the paper marked No. 11, with a croſs, is the paper the priſoner ſhewed him as Mr. Vaughan's paper, he believes it correſponds in language with that which he had ſeen; there were ſome ſcratches upon the paper, in the manner in which the paper ſhewn him was ſcratched.

Upon his croſs-examination, he ſays he was not in confidence with the priſoner; he had been occaſionally in his company at the houſe of Dr. Crauford, who married Mr. Stone's ſiſter; he had ſeen him frequently at Freemaſon's Hall. Mr. Stone applied to him to get a bill paſſed in Parliament, which he wanted to have for ſome private purpoſe of his own—he ſaid the priſoner impoſed no confidence on me; he acquainted me he had mentioned it to ſome other perſons, and I believe he ſaid he intended to mention it to more.

The next witneſs who was called was Mr. Sheridan, and it is eſſential that you ſhould attend minutely to the evidence of Mr. Sheridan. Mr. Sheridan ſays that the priſoner, in March 1794, applied to him at his houſe—that Mr. Wilſon wrote a letter, in conſequence of which the priſoner and Mr. Wilſon came to him. He ſaid, the priſoner wanted my opinion on ſomething which had been

been communicated to Lord Lauderdale and Colonel Maitland, which he conceived might be of great public benefit; he ſaid he had frequent communications from his brother in Paris, that he underſtood from him the idea of attempting an invaſion in this Country, was a plan reſolved upon by the Executive Government of France; he thought from his brother that this plan proceeded from an ill grounded opinion of the ſtate of the public mind, and the prevalence of diſcontent in this Country; the priſoner then proceeded to ſtate, that the mode he would make this communication by, would be through a circuitous channel of communication; that he would through that channel undeceive the Government of France, that he would give them the real ſtate of this Country, and convince them how little could be expected of any thing like aſſiſtance or co-operation from any deſcription of men in this Country; that he hoped the conſequence might be their abandoning a project, evidently taken up on falſe information. The priſoner ſtated, that in order to effect this purpoſe, he had endeavoured to collect the opinion of ſeveral political characters in this Country, whoſe opinion he thought would be likely to advance his object, and for this purpoſe he had had an interview with ſeveral gentlemen; he named Mr. Smith and others—he then mentioned that he had communicated with Mr. Vaughan, who had put down his ſentiments in writing, and he produced a written paper of this opinion, which he ſaid was Mr. Vaughan's, and began reading the paper. I ſaid I did not like to meddle in the buſineſs, as I thought him likely to be impoſed upon by the perſon who was the channel of communication between him and his brother, whom he had ſtated to be an American gentleman. I ſaid that I had always made it a rule not to enter into any converſations of this kind, under the then circumſtances, and politely begged he would excuſe my liſtening further; I told him he ought to have no communication with his brother at all, but what went through the Secretary of State's hands, and that if I had been in Mr. Dundas's ſituation, I would take care that he had no communication with his brother, but what I ſhould know; I told him the way to do good would be by a direct communication with his Majeſty's Miniſters; he ſeemed

to heſitate, but I think he ſaid he had had ſome communication with ſome of his Majeſty's Miniſters upon the ſubject; afterwards Mr. Sheridan recollected himſelf, and he ſays, he thought he ſaid he had communicated ſomething to General Murray—to be ſure General Murray was no Miniſter.

The next witneſs who was called was the Earl of Lauderdale, he ſays, in March 1794, I had a communication with the priſoner, my brother was with me, I met the priſoner at a Coffee Houſe in Bond Street, there was a converſation about the ſtate of things in France, the priſoner pulled out a paper, which he read, and ſaid it was given him by Mr. Vaughan; my brother expreſſed his ſurprize at Mr. Vaughan's giving him ſuch a paper, he pointed out a particular paſſage, and aſked if Mr. Vaughan had wrote this, the priſoner ſaid, the ſubſtance was received from Mr. Vaughan; Mr. Wilſon came into the Coffee Houſe, there was ſome general converſation, and we left the room; I cannot recollect the paſſage objected to; I was much diſappointed at the meeting, I thought it a very fooliſh meeting, and was ſorry I had been there. His Lordſhip ſays, I believe Mr. Stone never received any letter from my brother nor me; a letter was written by me I believe to the priſoner, but was not ſent. I believe No. 11 with a croſs, was the paper communicated to me.

The next witneſs was Mr. John Towgood; he ſays the priſoner, in April, 1794, told him that he had ſeen a gentleman who was juſt come from Paris, who had brought him news from his brother; that this perſon had aſked him about the ſtate of parties in this Country, and how it was likely the people would be affected towards the French, in caſe of an invaſion; the priſoner then ſaid he thought it an opportunity of doing good to this Country; that it was his opinion, that in caſe of ſuch an attempt, whatever difference of opinion there might be on other ſubjects, there would be but one mind as to reſiſting any ſuch attempt, in caſe it ſhould be made; he further ſaid, he thought it would be doing good if this opinion ſhould be forwarded to his brother in France by this American gentleman. I ſaid it was a very delicate ſubject indeed to converſe about; he ſaid he would do nothing that ſhould implicate him in any difficulty.

The

The priſoner then read a paper expreſſing thoſe ſentiments that I have juſt mentioned; he further ſaid that he had mentioned it to ſome perſons of conſequence, among others, I think, he mentioned Lord Lauderdale, Mr. Sheridan, Mr. Smith, Mr. Vaughan, and Colonel Maitland, and the reaſon he gave was that he thought it would be doing more good, if the opinion went ſanctioned with thoſe names, than if it was his opinion only. The witneſs ſays, ſome days afterwards I ſaw the priſoner again, who ſaid that he had delivered the paper to the American gentleman, ſtrongly expreſſing the ſentiments I have juſt mentioned, and he expreſſed himſelf much ſatisfied, that by conſiderable pains and trouble, he had done what he conceived an eſſential good to his Country, in preventing the attempt of an invaſion, if ſuch had ever been intended.

On his croſs-examination, he ſays he has ſeen Mr. Vaughan write, but he does not know enough of his hand to ſpeak to it, though he rather believes the paper to be Mr. Vaughan's hand; there are ſome parts in Mr. Stone's hand-writing. He ſays he has known Mr. Stone well many years; he never heard him expreſs any thing diſloyal; he believes he is a friend to reform, but he is alſo a friend to the Conſtitution.

Mr. Rogers is next called—he has known both the Mr. Stones for many years; he ſays in March, 1794, Mr. Stone met me in the ſtreet, and mentioned having received a letter from his brother at Paris, and the arrival of a gentleman who wiſhed to collect the ſentiments of the people of this Country with reſpect to a French invaſion; he ſays he rather declined the converſation; he ſays Mr. Stone called upon him a few days afterwards, and ſhewed him a paper written by ſomebody elſe, that the Engliſh would unite to repel an invaſion; he ſaid he thought he ſhould do his duty, if by ſtating what was true, he could ſave his Country from an invaſion; he ſays there was no injunction of ſecrecy; that he has known the priſoner many years, and always thought him to be a well meaning man.

Gentlemen, this is the important evidence that has been given in ſupport of the charge which is made by the Counſel for the public againſt the priſoner at the bar; and, Gentlemen,

it is admitted, I think by the Counſel for the Defendant, that this is important evidence, if the mind of the priſoner went to communicate the intelligence contained in this paper to the Government of France.

Mr. Erſkine. No—pardon me, I diſavow it poſitively; I never would come again into this place, if I had admitted any ſuch thing.

Lord Kenyon. I underſtood you to ſtate that the only queſtion in this cauſe was, what was the intention; I underſtood you both to ſay in terms that the queſtion was reduced pretty much to the point, whether he had a criminal intention towards the Country in that which was done.

Mr. Erſkine. I did not, I thank God, expreſs myſelf in that manner. I ſaid that the queſtion was, whether the priſoner gave this communication to France with an intention to benefit France, inſtead of with an intention to avert that calamity from this Country; that is what I ſaid.

Mr. Attorney General. I beg to ſay a ſingle word, with your Lordſhip's permiſſion, in this ſtage of the cauſe, that what I opened to the Jury may not be miſunderſtood. I put myſelf upon the words of the indictment—that if the intention was to make that communication to aid and aſſiſt the Government of France, in carrying on its war againſt this Country, I ſtate it now diſtinctly as I ſtated it before, to be High Treaſon.

Mr. Erſkine. I was only ſpeaking for myſelf, but Mr. Serjeant Adair alſo ſaid the ſame thing.

Mr. Juſtice Groſe. The Counſel for the priſoner do not differ.

Mr. Erſkine. Not in the leaſt, we do not preſume to ſay we are right, but we do not chooſe to be miſinterpreted.

Lord Kenyon. Gentlemen of the Jury—this is I think important evidence in the cauſe; theſe papers are proved to have been ſent, and to be found in the cuſtody of Mr. Jackſon in Ireland; it is for you to ſay what the character of Mr. Jackſon was; the original copies of both theſe papers were found in the cuſtody of Mr. Stone in England, one was proved by Mr. Smith to have been delivered by him to Mr. Stone, and the priſoner

priſoner confeſſed to the witneſſes who have been called, that the other paper he had from Mr. Vaughan; they get into the hands of Jackſon, who was in Ireland. Mr. Sheridan in his evidence, you will recollect, ſtates that the priſoner told him he meant to communicate this to the French Government, and that the mode he ſhould take, would be through a circuitous channel of communication, to undeceive the French Government.

Now, Gentlemen, it is for you to conclude upon this evidence (I ſhall conſider the anſwer and the obſervation as well as I am able) whether theſe papers, the effect of which I have before commented upon, were not communicated to Mr. Jackſon in Ireland, in order to go by that circuitous channel of communication he ſpoke of to Mr. Sheridan, to the Government in France. But it is ſaid by the Counſel, and the evidence, that has been adduced, that he could not mean any thing amiſs in this, becauſe theſe communications had been made frequently in the ſtreets, and upon the Coal Exchange, and in places very public, to divers other perſons.

Theſe communications involve no crime at all; the writing of theſe papers, independent of the uſe that was to be made of them, was no crime; he might have ſhewn them with perfect confidence, ſatisfied that no one could derive from them accuſation againſt him, if he had ſhewn them at all points of the compaſs, provided he had not ſhewn them with a view that they ſhould be tranſmitted to France, or in any way put into the power of the Government of France, to aſſiſt and aid the councils of that Country, that is the ſingle purpoſe which conſtitutes the offence; and, therefore, when it is ſaid that all this goes to prove the innocence of the man, it is for you to judge whether with theſe obſervations it tends to prove any thing at all.

It is ſaid that at the time when his houſe was examined, he made no difficulty in producing his papers, but that all his papers were communicated to the officers who came. Gentlemen, you will recollect what I have before ſtated to you, and you muſt recollect it before you form your judgment of the matter—that when he was aſked for what was thought by the Under Se-

cretary of State to be the eſſential papers; namely, thoſe ſigned Popkins and Enots, and told that all his other papers ſhould be delivered to him as of little importance compared with them, that he then poſitively ſaid he had no papers with thoſe ſignatures, he had no correſpondence of the kind. Theſe papers were afterwards found.

It has been ſaid, and every thing that has been ſaid ought to receive its full force, that when it was eſſential to make communications, he had not been backward in making communications. I am bound to obſerve upon this alſo, that theſe communications were made in the preceding year, 1793; the laſt of them in the month of April, 1793, and that every one of theſe communications was prior to the important time when the meſſenger from France, Mr. Jackſon, came into this Country, for the time when he came into this Country appears by the direction he left at the port of Hull.

Gentlemen, I have ſtated to you the evidence which was given by Mr. Sheridan, my Lord Lauderdale, Mr. Towgood, and Mr. Rogers; you will recollect what the advice was that Mr. Sheridan gave the priſoner—that it was a tickliſh kind of buſineſs that he meddled with, and that he thought he ought not to receive any letters from his brother; that he ought to have nothing to do with the buſineſs without communicating to the Miniſter. It was therefore contrary to the advice of theſe four gentlemen, whoſe evidence I have read, that he proceeded to do any thing with this paper of Mr. Vaughan's, which the two noble brothers of the houſe of Maitland, my Lord Lauderdale and Colonel Maitland, told him contained exceptionable paſſages, which they wondered Mr. Vaughan ſhould write.

It is ſaid, by all this he did not mean to injure this Country, and aſſiſt France. The great Searcher of Hearts knows the heart of man; we can only judge of mens hearts and their intentions from their overt acts; the paper was ſent, according to his own expreſs account of the paper, to Mr. Sheridan, with a view to be communicated to the Government of France; it was ſent there in direct oppoſition to the advice of the four gentlemen whoſe names I have mentioned to you; it is for you to

ſay

ſay whether it was ſent innocently or not; for when you have drawn that concluſion you arrive at the end of your buſineſs: but before you make that concluſion, you will attend to the character which has been given by a great number of witneſſes of this perſon, and of his general demeanor and conduct in life.

We are certainly not trying his character otherwiſe than it comes to aſſiſt him in his defence upon this caſe; we are trying the fact, whether he communicated this important paper in the courſe of going by a circuitous communication (I chooſe to put it in the words he uſed to Mr. Sheridan) to the Government of France. The uſe of the evidence of character you all, in your ſeveral ſituations of Grand Jurymen, and otherwiſe in your commerce with the world are abundantly acquainted with; in doubtful caſes recourſe may be had to it; and God forbid a man ſhould not appeal to his character, in order to help him in the day of diſtreſs; but if evidence of character, in doubtful caſes, is made to go further than that—if it is to blot out all the evidence on one ſide, and to re-inſtate the party, it is ſaying, in other terms, that a man of character may commit any licentiouſneſs, any thing that he pleaſes, and he ſhall be free from accuſation, or free from puniſhment, becauſe he has before had a good character.

Gentlemen, theſe do appear to me the main parts of the caſe, and the only parts which I am aware are important in the caſe, or elſe I ſhould drudge through all the reſt as well as I am able: it is my duty to lay before you thoſe things which I conceive evince either the guilt or innocence of the party, and it is your part to draw the concluſion.

One of the Jury. Whether the intention of the priſoner is not neceſſarily to be conſidered, or the mere act?

Lord Kenyon. You will conſider the intention in the evidence.

Mr. Juſtice Lawrence. It has been ſtated by the Counſel for the priſoner, as I underſtand (if I am miſtaken I wiſh to be corrected) that the queſtion was, whether he acted *bona fide*, or with the traitorous intention ſtated in the indictment. I believe

it

it was ſtated by my brother Adair that the queſtion would be, whether the priſoner, from what he knew of Mr. Jackſon, gave the paper to Mr. Jackſon with the criminal intention imputed in the indictment, or with an intention of averting the calamities of an invaſion. In order to diſprove that intention, a good deal has been ſaid with reſpect to that which the priſoner communicated to Mr. Sheridan, Mr. Smith, and other perſons, with reſpect to the motive with which he had collected this information.

Gentlemen, if you attend to the evidence of Mr. Smith you will ſee this:—he ſaid, that the priſoner came to him, and told him that his correſpondence with his brother had been interrupted for a conſiderable time, but a perſon had lately brought him a letter from his brother, to which he requeſted he would ſend him an anſwer; that his brother appeared to be much alarmed with the apprehenſion that the French intended to invade this Country; but he thought if any means could be afforded him of counteracting the impreſſions there entertained reſpecting the ſtate of affairs in England, it might be advantageous: he ſaid, he thought there could be no impropriety in giving his brother that general information. I think the account he gave Mr. Sheridan was to the ſame effect:—that, by means of his brother, this information might reach the Government of France. The account he gave the other gentlemen was not exactly the ſame, but I think he ſaid the information was to get to the Government of France by the means of ſome American gentleman.

Now, when you conſider as to the truth of that, ſee whether he is conſiſtent. In the firſt place, I obſerve that the account is not exactly the ſame; but that does not particularly ſtrike me, therefore I would not have it much the ſubject of your attention: but I think there is ſomething materia! in the evidence of Mr. Smith; he informed Mr. Smith that his correſpondence with his brother had been interrupted for a conſiderable time, but a perſon had lately brought him a letter from him, to which he requeſted an anſwer: he appeared to be much alarmed at that time

time with apprehenſions that the French intended an invaſion of this Country.

Now, that the correſpondence was interrupted, does not ſeem to me to be proved by the evidence; for I think it appears that the letter No. 10. was dated on the 4th of March, the poſt-mark the 24th; and it appears likewiſe that two letters, directed to him, one, the 14th of February, with no poſt-mark, the other, the 16th of February, the poſt-mark to which I think is the 1ſt of March: ſo there does not ſeem any interruption of the correſpondence between him and his brother. And in that letter of the 4th of March, No. 10, it is remarkable, that he deſires his letters to be directed to him in future to the houſe of Jean Louis Bourcard and Company, at Baſle in Switzerland; though, he ſays, he has met with no interruption in their receipt; but as it is moſt likely, from circumſtances, that an interruption may take place. Therefore, it appears, taking this letter with the account he gave to Mr. Smith, that it was not the fact that there had been any interruption in the correſpondence between him and his brother.

Mr. Serjeant Adair. There had been an interruption of their correſpondence of eight months—from April to November.

Mr. Attorney General. This is getting into great irregularity; but if Counſel are thus to break in after the Court has ſummed up, I ſhould wiſh to obſerve concerning the account of Popkins and Enots.

Mr. Juſtice Lawrence. I ſhould have to lament if by any miſapprehenſion of mine the priſoner laboured under any diſadvantage whatever; but, if I underſtood Mr. Smith right, the priſoner ſtated to him that a gentleman had brought a letter to him, informing him that his brother was very much alarmed with reſpect to an invaſion of this Country, and that the correſpondence between them was interrupted.

Mr. Erſkine. Had been interrupted: Mr. Stone's letter from France ſtates, in terms, that interruption; and it had in fact exiſted for eight or nine months.

Mr. Attorney General. I mean to ſay, Mr. Juſtice Lawrence is perfectly accurate.

Mr. Juſtice Lawrence. I am almoſt certain he ſaid his correſpondence had been interrupted for a conſiderable time, and that an American gentleman, whoſe name was Jackſon, had brought him a letter; it did not point out when it was interrupted: but I could not help obſerving this, that his account of the thing was, that his brother was very apprehenſive of an invaſion of this Country, and under that pretence he endeavoured to get that information: that was the ground upon which I underſtood it was put; I wiſhed to point that out to the obſervation of the Jury, that it might have the conſideration it deſerves.

Mr. Juſtice Groſe. I have taken the words thus—" The priſoner came to me and ſaid, my correſpondence with my brother " has been interrupted for a conſiderable time."

Lord Kenyon. I ſtated it in thoſe very words to the Gentlemen of the Jury.

Mr. Attorney General. All that is material upon that is, to obſerve the dates of the letters.

Mr. Juſtice Groſe. I was only ſolicitous that the queſtion ſhould be perfectly underſtood; and now, upon this latter part, it is clear.

The Jury withdrew at ten minutes paſt eight o'clock, to conſider of their Verdict, they returned into Court at eleven, with a Verdict of

NOT GUILTY.

Upon the Verdict being pronounced, ſome perſons in Court clapped their hands and huzzaed; one gentleman (Mr. Richard Thompſon) being particularly obſerved by the Court, was fined twenty pounds.

TABLE OF CONTENTS.

Page

THE Judges preſent 3
The Counſel for the Crown and for the Priſoner ..... ib.
The Pannel of the Petit Jury, with the challenges 4
The Jury ſworn 6
The Indictment 7
Mr. *Attorney General's* Speech in opening the caſe 23
Thomas Maclean's Examination 73
Thomas Lawrence's Examination ..... ib.
John Holmes's Examination 74
Letter, ſigned I. H. S. addreſſed Mr. William Stone, dated Paris, February 2d, 1793 ..... ib.
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated November 22d, 1793 76
Letter, ſigned I. H. Stone (no Addreſs) dated Paris, December 9th, 1793 78
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated Paris, December 16th, 1793 80
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated Paris, 26th December, 1793 82
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. (no Date) 84
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated 17th January 86
Letter, ſigned B. Beresford, addreſſed Meſſrs. Lawrence and Co. dated January 24th, 1794 89
Letter, ſigned I. Hurford (no Addreſs) dated 14th February, 1794 91
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated 16th February 93
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated March 14th, 1794 97
John Clark's Examination 100

Thomas

Page
Thomas Maclean's Croſs-examination 101
——————— Re-examination 102
Edward Lauzun's Examination ..... ib.
James Walſh's Examination ..... ib.
Direction to Mr. Cokayne, in W. Jackſon's hand-writing 103
State of an Account between W. Stone and W. Jackſon ..... ib.
Receipt, ſigned Wm. Jackſon ..... ib.
Addreſſes, in W. Jackſon's hand-writing, to perſons at Amſterdam and Hamburgh 104
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated March 15th, 1794 ..... ib.
Mr. King's Examination 106
———————Croſs-examination 107
Letter, ſigned Thomas Popkins, addreſſed Mr. Stone, dated Dublin, 5th April, 1794 109
Mr. Carlton's Examination 110
Reuben Smith's Examination 111
——————— Croſs-examination 112
Peter Longrigge's Examination ..... ib.
Letter, ſigned W. Enots (no addreſs) dated April 11th, 1794 113
Mr. Vaughan's Paper, containing Obſervations on the Situation of England 114
Ditto, with alterations 117
Part of Mr. Smith's Letter to W. Stone 119
Mr. Smith's Examination 121
——————— Croſs-examination 127
Objection to the Admiſſibility of Evidence, and Argument thereon 128
Mr. Sheridan's Examination 132
——————— Croſs-examination 137
Lord Lauderdale's Examination ..... ib.
——————— Croſs-examination 141
Mr. Towgood's Examination ..... ib.
——————— Croſs-examination 143
Mr. Rogers's Examination 144
——————— Croſs-examination 146
Mr. Nepean's Examination ..... ib.
Lord Grenville's Examination ..... ib.

Letter

Letter in W. Jackſon's Hand-writing, no Signature, nor Addreſs, dated London, 18th March, 94 149
Letter, ſigned I. Hurtford, addreſſed Meſſrs. Lawrence and Co. dated 30th March, 1794 155
Letter, ſigned I. Hurford, addreſſed Meſſrs. Lawrence and Co. dated 21ſt April, 1794 156
Letter, ſigned I. Hurford and Co. addreſſed Meſſrs. Lawrence and Co. dated 8th April, 1792 157
Objection to the Admiſſibility of Evidence, and Argument thereon 160
Letter in W. Jackſon's Hand-writing, no Signature nor Addreſs, dated London, 17th March, 1794 172
John Cokayne's Examination 177
Mr. Dejoncourt's Examination 178
——— Croſs Examination ..... ib.
Letter, ſigned Thomas Popkins, addreſſed Meſſrs. Lawrence and Co. dated Dublin, 21ſt April ..... ib.
John Cokayne's Examination continued 180
Obſervations on the Situation of England and Ireland, directed à Monſieur Monſieur Dandibuſcaille, à Amſterdam 185
Argument on the propriety of adjourning the Court 188
John Cokayne's Examination continued 190
——— Croſs-examination 192
——— Re-examination 193
Letter, ſigned N. M. addreſſed Mr. Johnſon, at Meſſrs. Lawrence and Co. (no Date) 196
Envelope to ditto, ſigned W. Enots, addreſſed Mr. Thomas Popkins, dated April 22d, 1794 197
Mr. Dejoncourt's Croſs-examination ..... ib.

Friday, January 29th 198
Letter, ſigned W. Pitt, addreſſed W. Stone, Eſq; dated Downing-ſtreet, April 16th, 1793 ..... ib.
Thomas Hill's Examination 199
Extracts from ſeveral of the Letters of I. H. Stone ..... ib.
Letter, ſigned I. H. Stone, (no Addreſs) dated Hotel de Grange Butteliere, 24th October, 1792, 1. Y. of F. R. 205
Letter, ſigned I. H. Stone, addreſſed Mr. Stone, Rutland-Place, dated Paris, 27th Nov. 1792 210

Letter

Letter, ſigned W. Stone, addreſſed to Mr. Pitt, dated Monday, 8th April, 1793 215
Letter, ſigned W. Stone, addreſſed to Mr. Pitt, dated April 15th, 1793 217
Henry Manley's Examination 218
Objection to the Admiſſibility of Evidence, and Argument thereon 219
H. Manley's Examination continued 223
A Copy of Mr. Smith's Letter to W. Stone, with Alterations 224
Ditto of Mr. Vaughan's Paper, with Alterations 225
Ditto of "Obſervations on the Situation of England and Ireland" 228
Mr. Dejoncourt's Examination continued 230
Letter, ſigned Thomas Popkin, addreſſed à Monſieur Beresford, chez Bourcard and Co. Bazil, Switzerland 231
Mr. Serjeant *Adair's* Speech 233
Nathaniel Harris's Examination 290
Robert Ward's Examination ..... ib.
Samuel Toulmin's Examination 291
Nehemiah Stokes's Examination ..... ib.
Mr. John Free's Examination 292
George Thompſon's Examination 293
William Parkins's Examination 294
Henry Smithers's Examination 295
The Reverend Thomas Taylor's Examination 296
The Reverend Rochemont Barbauld's Examination 297
Joſeph Chamberlayne's Examination ..... ib.
John Blunt's Examination 298
John Kiddell's Examination ..... ib.
Mr. *Erſkine's* Speech 300
Mr. *Solicitor General's* Reply 342
Lord Kenyon's Summing up 378
Mr. Juſtice Lawrence's Obſervations 393